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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

FINLAND

[12 December 1994]

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FIRST PERIODIC REPORT BY FINLAND ON THE IMPLEMENTATION OF THE RIGHTS OF THE CHILD

Statement by the Finnish Government
(Adopted on 20 April 1994)

In adopting the first periodic report by Finland to the United Nations on the implementation of the rights of the child in Finland the Finnish Government wishes to emphasize that consideration for the perspective of the child should be promoted in all administration and in all activities by the authorities. The Government notes that the reporting mechanism of the Convention on the Rights of the Child is a remarkable tool for placing issues relating to children and young people on the agenda in all sectors of administration. At the same time, the reporting mechanism contributes to general awareness of the obligations Finland has undertaken to respect under that Convention and other human rights treaties. Reporting serves to support work to better the situation of children and young people.

The Finnish Government stresses that information and discussion about children's rights should be increased; in order to support such efforts, the Government makes resources available to the Ministry for Foreign Affairs for human rights awareness and education. The intention is to create a network between different sectors of administration and professionals to disseminate the Convention and to promote the implementation of its provisions.

The Government would like to draw attention to the need in further periodic reports for greater analysis of the differences between the position of girls and that of boys.

With respect to the shortcomings in the implementation of the rights of the child the Finnish Government would like to state the following:

Children and young people deprived of their liberty

Certain areas in Finland suffer from a shortage of facilities for the psychiatric treatment of children and young people. Therefore some half of the minors who have been taken into care for involuntary psychiatric treatment are treated in wards for adults. This is in contravention of the Convention and of the Finnish Mental Health Act, both of which require that children be treated separately from adults.

The Government considers it important that the situation is rapidly remedied and urges the health-care districts to ensure that improvements are made in their areas. The national plan for social welfare and health care will stress the obligation of treating children and young people in their own units; there will be regular follow-up on the implementation of this obligation.

Guaranteeing the best interest of the child and respecting the child's right to self-determination

The report states that the primacy of the best interest of the child and the right of children and young people to participate in decision-making processes is not implemented in Finland in the manner foreseen by articles 3, 4, 12 and 13 of the Convention. The Government emphasizes that account should be taken of the matter whenever decisions relating to children are prepared and made.

These principles are embodied in the Finnish legislation on children: the best interest of the child must be given priority and the child's views must be taken into account according to his or her age and level of development by authorities taking decisions affecting the child. In practice, the implementation of these principles has proved problematic.

In March 1994, the Ministry of Social Affairs and Health appointed a committee to look at the procedural defects which obstruct the implementation of the best interest principle in legal decision-making processes. A relating duty of the committee is to find the best ways of communicating the views of the child to the authorities who make decisions. The committee is due to report by 30 September 1995.

Social workers play a central role in the ascertainment of the child's views and the assessment of the best interest. The National Research and Development Centre for Welfare and Health is planning a special training programme for social workers in child welfare to enable them to improve their ability to ascertain the best interest of the child and hear the child. Also, the Ministry of Social Affairs and Health has envisaged a national network of various professionals in child welfare to provide consultation in demanding cases.

Guaranteeing special services to all children

Expensive special measures, such as taking children into care, caring for children with a severe handicap and providing long-term psychiatric treatment, create great expenses which for smaller municipalities are difficult to manage because of the current State grant system. This appears to prejudice the equal opportunities of all children to enjoy support from society as foreseen by articles 19, 20 and 25.

Municipalities have a possibility to apply to the State retroactively for a discretional grant, but in practice, expenditure in the social sector does not qualify for the grant, and only a third of the municipalities applying for a grant actually receive it. On the other hand, it is by no means certain that individual cost items qualify for a grant, and no municipality can rely on a grant in making such decisions as those relating to the taking into care of children.

The Government will investigate whether the problem could be solved by a more sophisticated system of discretionary State grants. If that is not the case, the State and municipalities need to find a solution where the exceptionally large costs incurred by small municipalities can be spread more evenly. As necessary, a functioning system will be ensured by legislation.

Children speaking foreign or minority languages

On migrating to Finland, very few children who speak foreign languages have an opportunity to take introductory courses and to learn their own language and Finnish or Swedish. If left without these learning opportunities, the child has to adjust to a completely different cultural and linguistic environment when he or she starts day care or school. This creates many problems for the child.

In the spring 1994 The Day Care Decree was amended to the effect that children speaking foreign or minority languages have the right to be taught their own language and culture in day care. The Ministry of Social Affairs and Health has examined ways of improving the situation in day care. The Advisory Board for Refugee and Migration Affairs has produced a larger survey of the needs for improving the services available to foreigners.

The Government believes that it is important for the various authorities to develop their services in collaboration with organizations in such a manner as to guarantee the equality of children speaking foreign languages or minority languages.

Sexual abuse of children and young people

Sexual abuse of children for commercial purposes is a new problem which has surfaced in Finland quite recently. The Government stresses that the problem is a serious one and requires new administrative measures and changes in the law.

Children should be protected from sexual abuse by introducing penalties. One of the measures that seem to be necessary is making it a criminal act to possess child pornography and to purchase sexual services from child prostitutes. Sexual offences against children should be made subject to public prosecution and a law should be enacted to provide for a procedure for confidentiality of pre-trial investigation documents in sexual offences against children which do not lead to charges.

INTRODUCTION

1. The Convention on the Rights of the Child is the latest and, as seen from a number of angles, the most sophisticated human rights treaty which Finland has undertaken to respect. Its monitoring mechanism represents a broadly-based of assessing a country's human rights work and level of achievement of human rights, whereas a number of earlier human rights obligations are addressed with a predominantly legal approach. Non-governmental organizations (NGOs) and international organizations were active in the drafting of the Convention and have worked to make it known. Consequently, the reporting system of the Convention offers a good framework for the efficient promotion of the rights of the child.

2. This report by the Government of Finland on the implementation of the Convention on the Rights of the Child was prepared by a working group of civil servants. The aim was to produce a comprehensive and transparent report, with a maximum of child perspective, assessing to what extent the authorities and the Government have in their own work become conscious of the rights of the child and the child population. The preparation of the report thus tried to meet the demanding challenge of the Convention and to evaluate to what degree account is taken of the child and the child population in social policy and in the work of the authorities.

3. This was such a new challenge for the Finnish legal-administrative culture that the working group had no easy task. The preparation of the report showed that not all sectors of administration were yet accustomed to looking at the effects of their work from a child perspective and a generational perspective; the process served to highlight the child perspective and to awaken awareness of it. But the work is only beginning, and in many areas the report describes more the aims and principles of the legislatory rather than the practical state of implemented rights.

4. The working group assigned to prepare this report strove to outline the practical reality by organizing discussions and public hearings, which gave organizations and experts an opportunity to evaluate the statements of the ministries on the implementation of the rights of the child and to provide their own account of the reality.

5. Statistics were compiled as another way of obtaining an accurate picture of the real situation. They also serve as a yardstick for assessing future trends, when the following periodic reports give the comparative data.

6. In Europe, political debate and research increasingly revolve around the position of different generations in the distribution of the resources in society. In Finland, the generational perspective is only beginning to be highlighted in societal and human rights debate. Such debate is made all the more difficult by the fact that instead of a single authority to have overall responsibility for child policy different administrative sectors prepare their own decisions and assess the repercussions from their own limited perspective.

7. That very division of administration into many sectors became a problem in the preparation of the report. No integrated view of the life situation of the child population and the children could be achieved, but the report is

necessarily fragmented. A problem of its own was created by the view held by the only Ministry which coordinates the activities of all sectors of administration, Ministry of Finance, that its field of competence did not have any obligations to be reported under the Convention. Yet the implementation of the Convention is essentially a question of the division of the resources of society between the child population and other population groups.

8. Not only the generational angle but also the gender angle is new and unfamiliar to the administration. This is reflected in the report in the sense that it has not been possible to analyse sufficiently the different life situations of girls and boys or the problems resulting from such differences. By international standards, however, Finnish girls and boys may be considered to be quite equal.

I. FINLAND FROM THE PERSPECTIVE OF CHILDREN AND THEIR FAMILIES

9. In 1992, children below 18 years of age accounted for 23 per cent of the total population of 5 million in Finland. This means that the rights guaranteed by the Convention on the Rights of the Child relate to 1,166,000 children and young persons.

10. There are about 650,000 families with children, a majority with two parents. More than a million children, or some 88 per cent of all the children, live in families with two parents. The majority of children's parents are married but about 8 per cent of all children have parents who cohabit without marriage. In 1992 one-parent families numbered 100,000, or 5 per cent of the total of families with children. They had some 140,000 children. Of the one-parent families, 88 per cent were headed by women.

11. Finnish families are small: 45 per cent of the families had only one child below 18; 38 per cent had two children; 13 per cent had three; and only 4 per cent of the families had four or more children. However, this does not mean that a lot families have only one child: 75 per cent of the children had at least one sister or brother who was under 18. If over-18 year olds could be included in the statistics, it is estimated that in reality only 1 child in 10 is an only child.

12. Since the 1980s, Finnish legislation relating to family and children has stressed the child's position as a legal subject in his or her own right. The past 10 years have seen this principle emerge in the family policy in Finland. This means regarding the child as an individual who is entitled to social security in his own right and who can, depending on his maturity, act in matters concerning him independently of the custodian.

13. These changes in the position of children were preceded by several decades of social policies which benefited children. A marked improvement in children's living conditions took place following the Second World War when Finland began to build a welfare State, which brought along a strong family policy. Initially, family policy measures were introduced to provide support to parents with the purpose of covering and balancing the costs of bearing and raising children. What benefit children drew was therefore a by-product of the measures taken to improve the situation of their parents.

14. As a country, Finland is exceptionally homogeneous both ethnically and linguistically. While the proportion of foreigners is growing, it is still the smallest in Europe. In international comparison, income disparities are relatively small. Through the consistent use of social, health and education policies efforts have been made to increase equality between the citizens. As a result, Finland has enjoyed a long period of political and social stability, and of economic and social security.

15. In the 1990s, Finland has suffered from the deepest recession since the Second World War. Of the working-age population, one in five is out of work; for young people the rate of unemployment is twice that. When the parents are unemployed, the children are also affected. The consequences of the economic recession are exacerbated by the cuts made by the State and the local authorities in the spending for family, education, cultural and free time services because of diminishing tax flows. These reductions are directly felt in the everyday life of children. Children and young people in particular are hit by the austerity measures relating to education, something that may have a lasting effect on their adult lives.

16. The Ministry for Social Affairs and Health has studied the effects of recession on the economic situation of households. The study reveals that, on an average, families with children have been more affected by the recession than other groups of population. Income disparities between families with children have grown larger as a result of the recession than is the case within other population groups. This is explained by the cuts in the various benefits for families with children. These families receive a number of different benefits enjoyed simultaneously. When these benefits are all cut at once, individual families may be severely affected. The growth of income disparities between families with children is primarily a result of unemployment, which seems to increase particularly among families with children under school age. Another explanation for the deteriorating situation of families with children is that the rising prices of services are felt especially by these families, and the most by those with low incomes.

17. Finnish society provides clear evidence of the fact that children's rights depend on the position of women. Equality between women and men, the independent economic situation of women and democracy within the family are goals which, when attained, contribute to the balanced development of children while providing a safety-net for different forms of family. With the improvement of women's social and economic situation it has been possible to promote also children's rights.

18. Also, the participation of women in societal debate and decision-making has a bearing on the position of children. It can be seen that in the fields with few or no women in decision-making positions children and their interests and rights are easily ignored, or assigned less value and therefore allowed to be overridden by competing interests and rights.

II. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to harmonize national law and policy with the provisions of the Convention

19. On 31 May 1991 when Finland signed the Convention on the Rights of the Child it was considered that Finnish legislation guaranteed the rights of the child to a very considerable extent. The most difficult problem was considered to be the obligation in article 37 (c) to separate a child deprived of liberty from adults. There were neither at the time nor are there now enough units for children only. When the Convention was ratified, the Ministry of Justice took the view that, because of the small number of child prisoners in Finland, the placement of a child in a unit accommodating only minors is not necessarily even in the best interest of the child.

20. For those below 18 years to be separated from adults they have to be concentrated in very few units. This leads to the disconnection of their social ties. If, on the other hand, a child is placed in a unit for adults located not too far from his or her home, the obligation to separate him from adults means that he cannot eat, exercise outdoors or participate in the various activities with the other prisoners, thus effectively isolating him or her from human contact. An added factor is that the criminal sub-cultures of young people may only be reinforced in units designed solely for young offenders. In any case, Finland signed the Convention without reservation, and the Prison Administration Department of the Ministry of Justice was to draw up a plan in 1993 to implement the provisions of the Convention.

21. On 24 February 1994, the Prison Administration Department of the Ministry of Justice issued instructions for the placement in prisons of offenders under 18 years of age and for ways of fulfilling the obligation to separate them from adult prisoners. The instructions stressed that juvenile offenders should be given opportunities for education, for various activities and for maintaining contact with those close to them. Prison directors should appoint a person responsible for conditions and activities for prisoners under 18.

22. After the ratification it was realized that also the involuntary psychiatric treatment of children and young persons had to be provided in wards separate from those for adults, and the Mental Health Act was revised accordingly. As there are too few psychiatric wards for children, more facilities have to be provided. The situation has improved somewhat after the entry into force of the Convention, but in 1992 facilities for adults continued to be used in half the cases of minors who were admitted for involuntary treatment.

23. In the ratification of the Convention, the focus was on the compliance of Finnish legislation with the treaty provisions rather than the requirements of the Convention for administration policy. Less reflection was dedicated to the implementation of the rights of children in Finnish society as a whole and the designation of an authority to coordinate their implementation. The Convention was not widely debated by officials or citizens, despite efforts by child protection organizations to encourage such discussion.

24. This country report was prepared in extensive interaction between the various ministries and other parties. When the views of the ministries were sought, they were urged to reflect on the implementation of the Convention in their particular sector of administration. The report includes a description of views and hearings, both on the weaknesses and strengths of the provisions and procedures relating to the position of the child.

25. The preparation of this report was not the first effort to harmonize the measures in the various fields of administration with a view to improving the situation of children and the implementation of their rights. One of the earlier efforts was a comprehensive hearing in parliament organized by the Finnish Committee for the United Nations Year of the Child in cooperation with a number of ministries. The Committee proposed special administrative and political arrangements aimed at influencing decision-making on the position and rights of children and at monitoring such decisions.

26. On that occasion a report was produced about the proposals and solutions to reinforce the position and rights of the child in Finland and in the rest of the Nordic countries. Other surveys of similar kind have been made by the Parliamentary Youth Committee and the Child Welfare Committee. The latter proposed the monitoring of children's living conditions at the local level, an obligation later contained in the Child Welfare Act.

27. In retrospect, none of these solutions and proposals was successful in breaking through the "structural indifference" to children, which is a product of the deeply ingrained segmentation of administration. As a result, it is difficult at the national level to create principles and practices to harmonize the policies relating to children with the actual provision of services for children. Although there is a genuine interest in and concern for children, more often than not the political action is based on the specific tasks of a particular field of administration rather than a comprehensive assessment of children's living conditions. Consequently, an overall picture of the life and position of minors remains lacking.

28. A difficulty which arises in the harmonization of various measures is that the monitoring and coordination of social policy relating to children has not been assigned specifically to any ministry. In fact, the development has been to the reverse: the entire administrative system and division of social tasks have faced a dramatic reorganization in recent years. Today, when a considerable part of the services for children and their families depend on a local decision-making process, which is less frequently subject to State controls and direction, an overall picture of the child population is even more difficult to outline. The standards and availability of services in particular vary from one municipality to another. It is therefore more and more problematic to monitor and harmonize child policy at the national level.

29. The Working Group assigned to prepare this report believes that the structural problems in administration contribute to the difficulties in ensuring a comprehensive protection of the interests of the child population in social policy. It is important to study the means used both in the other Nordic countries and elsewhere in order to ensure that children and the child

perspective are part of social policy. The Working Group welcomed the idea of creating a joint unit for children and families to function as a strong element in administration.

30. The Ministry of Social Affairs and Health is in the process of preparing a report on child policy for submission to parliament in 1995. The report will also address the need of appointing a national ombudsman for children as well as the powers of such an official.

31. In order to safeguard the rights of children in Finland new measures are needed to ensure that all the expertise is put into use when decisions are made at the level of both individuals and the entire child population. This is of special importance now that an economic crisis threatens to lead to actions which may not only be negative to the welfare of children but which in the long-term social development may be economically short-sighted.

Principles and reforms of legislation on children

32. Finnish private law relating to children and families underwent a profound reform in the 1970s and 1980s. The fundamental principle of neutrality was adopted: in comparable situations all children must be treated as equals. It was considered important that the rights and benefits of a child be unaffected by the origin of the child, whether he or she is born in or outside marriage. Equally, an adopted child gained fully the same legal status as biological children.

33. The new legislation on children and families emphasized the child as an independent subject *vis-à-vis* his or her rights. The concept of the best interests of the child was adopted as the overriding principle; the child's rights to self-determination and to be heard were essentially extended, and corporal punishment of children was prohibited. In 1984 a new Child Custody and Right of Access Act entered into force, and a comprehensive reform of the Child Welfare Act was completed. The reforms and amendments were made to reflect the United Nations Declaration on the Rights of the Child as well as the forthcoming Convention on the Rights of the Child.

34. The Convention requires that illegal trafficking in children or failure to return children from other countries be prevented. An act to this end was passed by parliament in 1993. The purpose of the act was to complement the Child Custody and Right of Access Act in order to permit Finland to ratify two treaties. One of them was the Convention on the Civil Aspects of International Child Abduction concluded at The Hague on 25 October 1980; the other one was the European Convention on Recognition and Enforcement of the Decisions concerning Custody of Children and on Restoration of Custody of Children concluded in Luxembourg that same year.

35. The Convention has also had an impact on the latest legislation on social welfare and health care. The 1990 reform of the Child Welfare Act increased the child's right to be heard. The minimum age regarding effective right to oppose a decision on taking into care or placement into substitute care was reduced from 15 years to 12 years. The decision must then be submitted to the Provincial Court, and the child has independent appeal against it. The reform

also gave 12-year-old children the right to seek a number of non-institutional support measures. Under family law children who have attained the age of 12 had already gained some degree of self-determination.

36. In 1992, a new act was adopted regarding the status and rights of patients, which considerably increases the child's right to self-determination and provides better protection of privacy. If the child is sufficiently mature, he or she has a right to take decision in questions relating to his or her medical care. He or she may also decide that his or her medical record may not be disclosed to the guardian. The act does not specify a minimum age, but it is for the medical personnel to assess the child's maturity in a given situation.

37. Yet another piece of legislation to strengthen the child's right to self-determination was the new Mental Health Act which entered into force in 1991. If a child who is 12 years old or more refuses psychiatric care, decision on involuntary treatment has to be submitted to the Provincial Court, and the child may appeal the decision.

38. A provision was later added to the Mental Health Act on the involuntary psychiatric treatment of children. That treatment must be provided in a unit with the expertise and facilities to treat children. The child must be treated separately from adults, unless treatment in a unit for adults is, exceptionally, in the best interest of the child. In practice this requirement cannot be fulfilled as yet.

39. Another aspect in the implementation of the Convention to be examined is criminal law. A comprehensive reform of the Penal Code is under way in Finland. Part of this reform is a bill to be presented to Parliament which provides punishment for abduction. The proposal distinguishes from other abductions the situations where a child below the age of 15 is abducted.

40. Provisions in the Penal Code on sexual offences will also undergo reform. The working group in charge of preparing this reform has proposed a number of changes in provisions on prosecution, accepted characteristics of criminal acts, and minimum ages.

41. The project for the reform of the Penal Code has proposed the introduction of a completely new punishment, especially for young people between 15 and 17. This "youth penalty" allows the court to take into account the age of the child who has broken the law. The purpose of the proposed penalty would be to help the child to readjust to society. It would thereby promote the implementation of the principles embodied in article 40 (1) and (4) of the Convention.

The child population in Finnish social policy

42. In the years following the Second World War Finland has witnessed two periods of active family policy. As soon as the war ended, general and special child benefit schemes were created to secure the maintenance of orphans and the children of single parents and of the most disadvantaged families. The special child benefit scheme was subsequently replaced by survivors' pension, maintenance allowance, and child care allowance.

Similarly, soon after the war, the existence of child welfare clinics was guaranteed by law, the period of compulsory education was extended to eight years, and free school meals were introduced.

43. The second period of active family policy began with the adoption of the Daycare Act of 1973. Since then a comprehensive system of day care for small children has gradually developed to consist of maternity allowance, paternity allowance, family allowance, municipal day care and home care allowance.

44. In education, the objective was to achieve a maximum of equality, which led to the introduction in the 1970s of the comprehensive school, which provides free education for all and prepares for upper secondary school. This means that all children, irrespective of financial means, have an opportunity to study the basic syllabus required for an upper secondary school diploma. Free education is still provided in most vocational schools, high schools and universities. In addition, the State supports studying in high school, post-compulsory educational institutions and universities by making available financial aid for students.

45. The Convention entered into force for Finland in 1991, at a time when the economy faced an exceptionally deep recession. Municipalities have reduced the services to families with children, including organized free-time activities in schools, afternoon care for young school children, and playground activities; decreased the number of places in day care and the amount of home care allowance; upper secondary schools and vocational schools have introduced fees and placed teachers on furlough in the mid-term. Small rural municipalities in particular experience difficulties in maintaining the level of services created over the years.

46. Children and their families are particularly affected by the reduction of various types of care, free-time services, and services provided by schools. Articles 3 and 4 of the Convention place Governments under an obligation to implement these reductions in a manner to ensure children a proportion of common resources which is due to them. As the child population is small in Finland and has little representation in decision-making structures, it is the responsibility of those preparing and taking the decisions on social issues to ensure that the obligations of the Convention are taken seriously in the interest-sharing between generations. (See also section on "The best interests of the child and child population in administration and decision-making processes.")

The physical living environment of children

47. The physical environment is in many ways important for children's lives. In Finland, the supervision and control of the use of land is currently being reviewed, and the ensuing legislative project attempts to safeguard the interests of children.

48. Zoning and building are significant factors in shaping the physical environment of children. The Government has submitted a bill to parliament on environmental impact assessment (HE 319/93). The bill requires that the needs of various population groups - including those of children - be considered in

zoning and in issuing building permits. The environmental impact of building and zoning must be assessed from the children's point of view, and children must be heard both directly and indirectly.

49. The Ministry of the Environment has development means to consciously take into account the needs of children in community planning. The Ministry has participated in a number of experiments where children's points of view have been admitted into the planning process and which aim at creating an environment which is good for children and young people.

50. The Ministry has produced a handbook for the use of citizens, decision-makers, and planners on the planning of living environments friendly to children ("*Lapsiystävälliseen elinympäristöön*"). It describes the components of an environment which is good for children and the characteristics of children as active users and planners of their environment. The Mannerheim League for Child Welfare has developed methods for hearing children in environmental decision-making processes and published a handbook on the subject ("*Lapset ympäristön tutkijoina*").

51. In the control of land use, the best interest of children first received attention as early as the 1970s; a provision was added in the Building Decree to the effect that sufficient space for playgrounds and for free-time activities must be reserved in each city block zoned for housing. The purpose of the provision was to safeguard the best interest of children as opposed to the need for parking space for cars, a need which had been defined earlier. Also, applications for building permits should be examined with a special emphasis on the safety, health considerations and pleasantness of the spaces reserved for playgrounds or passing time. In practice, the results still leave a lot to be desired. Far too often the needs of children have to make room for roads, parking space and the efficiency of building.

52. Traffic has a marked effect on the children's living environment, leading to efforts to safeguard the best interest of children in decisions regarding both traffic safety and traffic planning. Finland was a forerunner in requiring parents and drivers to ensure that children wear safety belts or safety seats when travelling in a car. The Road Traffic Act also specifies the standards for children's safety equipment.

53. Recently, new research data has emerged on the effects of the quality of air on vulnerable populations, including children. On 21 January 1993, the working group on norms for the quality of air submitted to the Council of State a report which contains a proposal for norms on the quality of air. The proposal takes into account the new research data. In setting norms for carbon monoxide, nitric oxides and nitrogen fall-out, sulphur oxide and sulphur fall-out, and particles for inhaling, the working group considered the effects on children.

The protection of children as consumers

54. Commercialism plays a central role in the lives of children. In order to prevent the use of inappropriate means of influencing consumers, provisions on marketing techniques have been contained in the Consumer Protection Act. Marketing practices are monitored by the Consumer Ombudsman, whose work also

covers advertising targeted at children and young people. Part of the problems caused by marketing for children have been successfully solved through negotiations with the Ombudsman and precedents issued by the Market Court.

55. In 1986, the umbrella organization of toy producers and importers and the then National Board of Social Affairs and Health concluded the so-called Toy Agreement. In accordance with the Agreement, the member companies refrain from producing, importing and selling war toys which are dangerous to the growth and development of children. This agreement has functioned well, but it does not cover models of war weapons or video games, for example, which in the Children's Toys Decree do not fall within the definition of children's toys.

56. Sponsoring in its different forms is a growing phenomenon, and has now reached a point where the sponsoring of education services is being discussed. There is therefore concern that schools will increasingly become a channel for marketing. In 1993 the Consumer Ombudsman made efforts in advance to counteract the negative consequences of the sponsoring of schools and to prevent the use of commercials within TV programmes for children.

57. Norms for TV advertising have been set to protect children. A decision by the Ministry of Transport and Communications enumerates principles to be applied to commercials targeted at children in cable TV transmissions. The commercial TV company MTV has issued guidelines for advertising in cases where children are viewers or appear in the commercials.

58. But the commercial manipulation of children continues to develop new forms. Marketing takes hidden forms, which makes advertising difficult to detect. The production of toys is linked with newspapers and radio and TV programmes which provide opportunities for marketing toys and clothes, sweets, soft drinks and other products associated with them.

59. As part of the comprehensive review of the Penal Code a provision will be proposed to protect children under 15 from sexually offensive marketing. The Government is likely to submit a proposal to this end to parliament in 1994.

The promotion of children's rights on the international level

60. A representative of the Ministry of Justice is a member of the family law committee of experts in the Council of Europe which is charged with the preparation of a European convention to promote the implementation of the Convention on the Rights of the Child. The purpose of the new convention would be to help Governments to implement the Convention, particularly the children's right to be heard.

61. The Finnish delegation to the Council of Europe has together with Finnish non-governmental organizations concerned with children's rights proposed that the Council of Europe encourage and urge all member States to accede to the United Nations Convention on the Rights of the Child. The proposal also urges the Council of Europe to prepare a supplementary European convention and a programme of action for the rights of the child.

62. Finland was actively involved in drafting a Convention to regulate international adoption. The Convention was signed by 44 States at The Hague in July 1993. The Finnish Adoption Act is, for the most part, in compliance with the provisions of that Convention; it will be revised as a matter of urgency to enable Finland to become party to the Convention.

63. In August 1993, the Finnish Government adopted a new strategy for development cooperation which sets three objectives, one being the promotion of human rights and democracy. This objective encompasses the whole spectrum of human rights from civil and political rights to economic, social and cultural rights. A second objective, the reduction of large-scale poverty, aims expressly at promoting social and economic rights.

64. The rights of children are targeted for improvement in many ways in Finnish development cooperation. In educational projects, Finland has focused on the promotion of basic education, in order to ensure the children's right to it. In collaboration with non-governmental and missionary organizations Finland has provided support to projects designed to improve the educational opportunities of children with an aural, visual or physical handicap.

65. In health care projects, the emphasis is on the development of basic health care services. Considering the population structure in developing countries, this means that it is largely the children who benefit from the projects. The same applies to another important sphere of Finnish development cooperation, which is the construction of water supply and sewerage systems.

66. Internationally, Finland works to promote children's rights also within the United Nations and its various bodies. Efforts are made to this end in the framework of international conferences, and particular emphasis is focused on the policies of United Nations operative agencies in order to guarantee that the children's rights and the improvement of children's living conditions receive due attention. Examples of international conferences at the preparatory stages where the position and rights of children will be on the agenda include the International Conference on Population and Development in Cairo in 1994, the Fourth World Conference of Women in Beijing in 1995, and the World Summit for Social Development to be held in Copenhagen in 1995.

67. UNICEF is advocating the highlighting of the Convention on the Rights of the Child as one of the Conventions to be focused on to mark the fiftieth anniversary of the founding of the United Nations in 1995. As part of its work with UNICEF Finland has attempted to promote the national programmes of action as recommended by the World Summit for Children to enhance the position and living conditions of children.

68. A major portion of Finland's bilateral assistance has been specifically to promote the rights of children, channelled through UNICEF. This assistance has served particularly to improve education, social services and health care, immunization programmes, and the position and rights of children in general. Compared to other organizations, the role of UNICEF as a channel for relief to children has gained prominence in recent times.

69. Finland's assistance to UNICEF (including humanitarian aid and relief million Fmk):

1991	155	166
1992	129	134.5
1993	36.5	

70. The United Nations Population Fund (UNFPA) is the central agency for increasing understanding of population issues and improving coordination within the United Nations system. It works to promote the position of children in developing countries by disseminating information on population and development issues and improving family planning and the availability of contraceptives in order to enable people to freely decide on the number and timing of children. Improvements in the health care services related to procreation and sexuality also enhance the living conditions of children. In the dissemination of information and education, young people are a key target. The importance of these activities is underlined by such facts as the probability of the children of mothers below 15 years to die in their first year: it is twice that of children of mothers over 20. Finland's donations to UNFPA amounted to Fmk 22.7 million in 1993, to Fmk 80 in 1992, and to Fmk 86.7 in 1991.

71. The position of women and its enhancement have been the focus of both bilateral and multilateral development cooperation; an example is the introduction of guidelines for this field of Finnish development cooperation in 1988. Indirectly, improvements in the position of women produce positive changes in the position of children. The United Nations Development Programme (UNDP) gives high priority to children in its role of emphasizing the importance of development and human resources in all its activities. In focusing on women in development, the United Nations Development Fund for Women (UNIFEM) also helps to improve the lot of children. Children are central to the work of the World Health Organization (WHO). Finland has provided assistance to the WHO programmes for immunization and for combating diarrhoea and AIDS, all of which are crucial to the welfare of children.

B. Mechanisms at national or local level for coordinating policies relating to children and monitoring the implementation of the Convention

72. Since 1987, Finland has been actively involved in a European research project, "Childhood as a Social Phenomenon - Implications for Future Social Policy". Coordinated by the European Centre for Social Welfare Policy and Research, the project studies the position of child populations in society. Finland's country report, "Childhood as a Social Phenomenon", was published in the Centre's series (Eurosocial Report 36/7/1990), and in Finnish ("Lapsuuden aika ja lapsen paikka").

73. The study alerted those concerned with children to the fact that little social data and statistics on children are available in a form where the children themselves are used as a unit. The data on children are adult-oriented and adult-based, because in the assembly of social data the child is studied as a member of the units to which he or she belongs: member of a family, student in a school, one of a number of those receiving care in the day care centre. While the research project was under way, a revision of

the methods of compilation of family statistics was undertaken to change the approach. In order to coordinate social policy with the requirements of the Convention, child-oriented assembly and analysis of data need to be increased further, as reliable research data and statistics on the conditions of children in a number of spheres are still lacking.

74. The research team from the Eurocentre met at a seminar in Finland in the summer of 1993 to discuss the implications of the Convention for policy on children and work with children at risk. A report on the seminar was published ("Politics of Childhood and Children at Risk", Eurosocial Report 45/93).

75. The National Research and Development Centre for Welfare and Health (STAKES) is launching a project on the welfare profile of children together with NGOs and researchers. The purpose of the project is to produce a monitoring method for the regular study of the health and psychosocial welfare of Finnish children. The accumulation of such data would help to direct resources to areas where children most need them.

76. The National Board of Education and STAKES have also become associated with an international research project, "Services Integration for Children and Youth at Risk and Their Families". The project examines the services provided to children at risk and their families, based on an underlying concern that increasing numbers of them are becoming marginalized in society. The project aims at uniting the resources in the various fields of administration to serve the needs of children and their families. To do so it focuses on four groups: (i) children under school age, (ii) schoolchildren, (iii) young people who are leaving school to enter the labour market, and (iv) young people and families with children at risk. The project will be concluded in 1995 with a country report which will be submitted to the Government. The results of the research project will thus provide a tool for revising the policies regarding children and their families and for improving the social services.

77. In 1989, the Finnish Government reported to parliament on the protection of children. On completion of the reform of the Child Welfare Act, parliament set out a requirement that the Government submit a detailed report on the policies applied to children in 1995. The report is being prepared by a working group which attempts to produce a comprehensive survey of the conditions in which children live and the services available to them. It will provide parliament with a basis for assessing the policies and laws applicable to children. Another task for the working group is to determine whether an office for a national Children's Ombudsman should be established and, if so, what duties the Ombudsman should have.

78. In preparing this report on the implementation of the Convention, the Working Group for the Rights of the Child requested each ministry to address the issues raised by the Committee on the Rights of the Child in its guidelines for reporting. It was hoped that the ministries might in this way be alerted to see what action they should take to implement the provisions of the Convention in their field of competence.

C. Dissemination of the Convention

79. International and domestic NGOs started actively to disseminate the Convention as early as the preparatory stages. In summer 1989, an international congress was held in Haikko where a large number of Finnish professionals became familiar with the draft Convention even before it was adopted by the United Nations. Several NGOs, both those involved with children and those working for human rights in general, have published the text of the Convention and related material as part of their information work.

80. The Convention is disseminated in Finland in the larger framework of human rights education and information. As has the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, has proved to be a good and concrete context for developing the human rights culture as a whole, a goal which has been approached in a number of ways in Finland in the 1990s. The overall objective is to make the Conventions widely known in Finland and thereby allow them to influence the actions of authorities and individuals.

81. Earlier, it was considered sufficient that the treaties were published in the official treaty series in Finnish and in Swedish, which are the national languages. The text of the Convention on the Rights of the Child has been published in a booklet in Finnish and English, together with a short introduction of the binding nature of the Convention, information on the preparation of Finland's report to the Committee, and the status of ratification. The booklet is available for information purposes, and has been distributed to all MPs, the media, and a host of NGOs. It is hoped that the text can be included in the Finnish Statute Book, which is a collection of laws used by lawyers and administrators.

82. The preparation of the Finnish report has provided a good opportunity to the various fields of administration to examine whether they have internalized the provisions of the Convention and of how actively they are trying to implement them. Another feature of the preparation of the report was public discussions aimed at raising debate and increasing public awareness of the treaty obligations. A public hearing held in Parliament House gave the media an opportunity to act in accordance with article 17.

83. This Report is published in Finnish and English. It is not only a report; it is also an information package to the authorities, NGOs and individuals on the issues which continue to require attention whenever children's rights are to be promoted as part of the general human rights education.

84. In years to come, some of the great challenges facing the Finnish school system and educational activities will be the issues relating to education and values. To meet these challenges the Convention provides material that needs to be used together with other human rights treaties. The working group for the preparation of this Report held a seminar on Human Rights Day 1993 to examine the best ways to implement the rights of children and women and to promote human rights culture. The seminar was a joint undertaking with the Finnish National Commission for UNESCO, and connected with UNESCO activities

in the field of education for international awareness and human rights, a field where Finland has been active and helped to promote discussion at the international level.

85. Children and young people are not passive recipients; the Convention is an effort to dismantle the deep-seated paternalism between adults and children. This is the aim of articles 12 to 17, for example, which emphasize the rights of the child to be heard and to receive information. Children must be able to become familiar with their rights on their own, to find out what those rights mean, and to have a say in their implementation. The greatest challenge is to make the Convention known to children and young people. For this purpose, a series of TV programmes is being made.

86. The Convention may be read, or interpreted, in a number of ways. If the goal of disseminating the Convention widely is reached, different interpretations become possible, which helps to turn the Convention into more than printed words. To achieve this, the preparatory working group has urged all those involved in human rights education to form a committee to seek ways to reach the various age brackets targeted for human rights education and information.

D. Making the report available

87. The report on the rights of the child is published in a series of human rights reports by the Ministry for Foreign Affairs. Following its publication, the report will be made known at seminars and training sessions, to which media will be invited.

88. To permit all those interested to study the report, copies will be distributed in Finnish to all libraries in Finland, as well as to schools, and those working with children and taking decisions that affect children.

III. DEFINITION OF THE CHILD

89. In Finnish law, the definition of the child is the same as it is in the Convention: a person below the age of 18 years is a minor. The main principle is that a minor has no capacity to decide on matters relating to his person or his or her property; this capacity rests with his or her custodian.

90. In Finnish law there are, however, a number of rules which depart from the main principle and afford the child a right to self-determination or right to be heard. More such rules have emerged in recent years. This change was brought about by the principle enunciated in article 12 of the Convention: the views of the child must be heard and given due weight in accordance with the maturity of the child. In recent legislation regarding children, this principle was adopted as early as the 1970s and 1980s.

91. The child has legal capacity in matters which are ordinary under the circumstances and of little significance. With the guardian's consent, the child has the right to enter into legal contracts without any minimum age requirement. A child who has attained the age of 15 years may conclude an employment contract, although the custodian may cancel it on certain

conditions. The child may dispose of his or her earnings independently and speak in a trial relating to his or her earnings or to property bought with those earnings.

92. If the minor contracts marriage, he or she is no longer subject to the custodian's authority in matters relating to his or her person. However, he or she cannot freely dispose of his or her property, but remains in that respect under the authority of the custodian until he or she attains the age of majority.

93. If parents who are minors have a child, they have, regardless of their minority, a right to act as the custodians of their child. A man who is minor may recognize a non-marital child without the custodian's consent.

94. In court proceedings, a child who has attained the age of 15 has, in addition to the custodian, a right to speak independently in cases relating to the child's person (Code of Legal Procedure, art. 12 (1)). As regards administrative procedure, the minor has a similar right (Act on Administrative Procedure, art 16), and if the matter concerns the child, the child is regarded as a party irrespective of his or her age.

95. In some decisions on involuntary child protection a child who has reached the age of 12 must demonstrably be heard, and the child has independent appeal to the Provincial Court (Child Welfare Act, art. 17). The same applies to decisions on involuntary psychiatric care (Mental Health Act, art. 24). Under the Child Welfare Act, the child may independently demand non-institutional services and appeal to the Provincial Court against decisions relating to them.

96. Even where the child may not, under the laws cited above, speak independently he or she must be heard in matters relating to his or her person, if he or she is old and mature enough to understand. The cases where the child has a right to prevent a measure include the following.

97. If a child who has attained the age of 15 protests against the recognition of paternity, the paternity suit cannot succeed (Paternity Act, art. 16). Adoption cannot be confirmed, if a child who has reached the age of 12 opposes it. Even a younger child may prevent adoption if he or she is mature enough for his or her will to be considered (Adoption Act, art. 8).

98. The same principles apply to the enforcement of decisions on the custody of the child and right of access (Child Custody Act and Right of Access Act, art. 6), and to cases of changing the child's first name or family name (Names Act, art. 33). The child cannot be placed into an institution or with a family, as assistance in open care, if he or she has attained the age of 12 years and objects to the measure. Involuntary placement entails taking the child into care, a measure which may be appealed by a child of 12.

99. No separate provisions exist to determine the age where children have the right to obtain legal assistance from professionals without their parents. The Act on Legal Aid does not specify a minimum age for those entitled to legal aid. The conclusion of a valid contract with a professional in any case requires that the minor has legal capacity in the matter.

100. If a juvenile offender (15-20 years old) has been imprisoned and is accused in criminal proceedings, special provisions apply to his or her defence. If he or she wishes to have counsel but cannot afford one, the chairman of the court must appoint a lawyer. The proceedings are in this case free of cost to the offender (Act on Juvenile Offenders, art. 22.2).

101. The Act on Legal Aid also applies to minor children in other ways. An example is a 12-year-old child who invokes his or her right of appeal under the Child Protection Act or the Mental Health Act and may be granted free legal proceedings before the Provincial Court and the Supreme Administrative Court.

102. If such a conflict of interests exists between the child and the custodians that the custodians cannot represent the child in a case, a trustee must be appointed for the child. As the child's representative, the trustee is entitled to seek legal aid. In important legal matters relating to the child's property the appointment of trustee is frequent. In contrast, trustee is seldom used in cases concerning the child's person, such as taking into care, serious disagreements over custodianship, and child battering.

103. The Mannerheim League for Child Welfare has since 1979 employed a lawyer to provide professional legal assistance to children and young people. The lawyer can be reached by telephone at certain hours. She is contacted in some 300 cases every year, some 150 of which concern violence against children or sexual abuse. A considerable number of cases also entail mistakes made by authorities.

104. The Mannerheim League for Child Welfare also operates a telephone service which can be used by children anywhere in Finland at the price of a local call. Those on duty are trained volunteers who, whenever necessary, advise the children and their representatives to turn to the authorities.

105. There is no minimum age limit for receiving professional medical help. To the contrary, the Act on the Status and Rights of Patients defines the child as an independent patient with whom the treatments are to be discussed in the first place.

106. Parental approval is usually sought for medical treatment to be given to the child, unless the child is old and mature enough to decide on it. The maturity of the child is determined by the medical personnel, and the Act does not specify any minimum age. The custodians do not have any legal right to prohibit a treatment which is necessary to protect the child's life and health (arts. 2, 7 and 9).

107. Schoolchildren in particular are well placed to obtain medical help independently, because Finland enjoys a national system of school health care. In many schools, the school nurse has regular reception hours, and children get to know her through routine check-ups and vaccinations. As the school nurse is approachable, children have sought help even for their psycho-social problems. However, currently the school health care services are under threat of being curtailed due to the tight economic situation and the reorganization of the health sector.

108. There is a right to abortion on a doctor's decision if a girl becomes pregnant when under 17 and she so requests. The Abortion Act does not require parental consent, and the traditional reading of the confidentiality rule of the Act is that the custodian is not informed of abortion against the patient's will, unless there are especially weighty reasons to do so. This principle has been incorporated in the Act on the Status and Rights of Patients.

109. Compulsory education begins in the autumn of the year when children attain the age of 7 years and terminates with the completion of the comprehensive school (at 15 or 16 in most cases), or, at the latest, at the end of the spring term of the year when children reach 17.

110. If minor children or young people are gainfully employed, they are regarded as so-called young employees, and subject to special restrictions (Young Employees Act, 998/93, art. 1).

111. The general requirements for gainful employment are a minimum age of 15 and the completion of compulsory education. If a child who is subject to compulsory education attains the age of 14 before the end of the school year, he or she may be employed for two thirds of the school holiday and not more than 12 hours a week during the school terms.

112. Children under 13 may not be gainfully employed under any circumstances; those under 15 may not work for more than seven hours a day. Children between 15 and 17 may work full time, but are subject to restrictions concerning overtime. Children under 16 may not be employed in dangerous work (Decree on the Protection of Young Employees, 229/58, art. 3). (For more detailed information, see the section on child labour below).

113. A number of provisions in the Penal Code aim at protecting children from premature sexual relations. The current law penalizes sexual relations with a person under 16, but punishment is not mandatory and may not follow if the difference in age of the partners is not great. With the reform of the Penal Code, the age of consent is proposed to be lowered to 15.

114. Premarital sexual relations between young people are widely accepted, and cohabitation without marriage has become commonplace. This trend is illustrated by the fact that to start a home when a child is born a couple need not marry. Of women who give birth before reaching the age of majority, 53 per cent cohabit with the father of their child. Teenage pregnancy is infrequent in Finland: 0.4 per cent of babies, or fewer than 400, are born to mothers under 18. This is the combined result of advances in methods of contraception, effective information about contraception, and liberal abortion laws.

115. Both women and men may marry at 18. For those below this minimum age, the Ministry of Justice may grant permission to conclude marriage, if there are special reasons for marriage. Permission does not require the consent of the guardian or the custodian.

116. Today it is very rare for persons under 18 to seek permission from the Ministry of Justice to marry. Although the minimum age for girls was raised

from 17 to 18 in 1988, the number of permissions continues to decrease. The reasons for this development can be found in the change of values and attitudes in the past few decades relating to sexual morality and marriage.

117. All male citizens who attain the age of 18 in the year they are called up are liable to perform military service, and thereby have an obligation to heed the call-up order. Boys who that year attain the age of 18 after the call-up date are thus obliged to observe the call-up order before reaching the age of majority.

118. According to the Conscription Act (1260/90, art. 9), conscripts are part of the home reserve forces from the beginning of the year in which they will be 17. According to article 31, a 17-year-old conscript may also volunteer for military service. Annually, fewer than 300 men who are under 18 serve in the Defence Forces. While the current call-up system has been in force, the number of minors has decreased to less than 1 per cent of the recruits.

119. Finnish legislation does not recognize a minimum age for a child to be competent to give evidence. If a child who has been called as a witness is not yet 15, the court has an obligation to consider whether he or she can be examined as a witness.

120. The minimum age for criminal liability is 15. If a child who is below 15 commits a criminal act which carries a punishment, he or she will not be punished. However, in that case an effort must be made to help the child through child welfare measures.

121. If a young person between 15 and 17 commits a crime, the punishment will be more lenient than is ordinarily the case. Also, the court may omit to impose a punishment if it believes that the act was committed for lack of understanding or for rashness rather than for failure to observe prohibitions and orders.

122. The law does not specify an age at which a child suspected of a crime may be arrested and imprisoned. In any case, as children under 15 cannot be charged with a crime, the view has been adopted that neither can they be arrested or imprisoned. In addition, the Coercive Means Act (art. 1 (3)) contains a prohibition to arrest in cases where arrest would be unreasonable because of the suspect's age or other personal circumstances. However, children under 15 may be interrogated, if suspected of crimes. Therefore, they may be apprehended and brought for pre-trial investigation.

123. No specific minimum age has been provided for passing custodial sentences, which means that they can be imposed on young people from as early as the age of 15. However, custodial sentences may not be unconditional for crimes committed by those under 18, unless weighty reasons require otherwise.

124. Alcoholic beverages may not be sold or served to persons under 18. From the age of 18, alcohol may be served without restrictions, but strong alcoholic beverages may not be sold to persons who are under 20, and those younger than 20 may not have them in their possession. In business activities, tobacco or smoking implements may not be sold or handed over to children under 16.

IV. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

125. The Government proposes that discrimination on the basis of age also be prohibited, and that a particular obligation to treat children equally as individuals be adopted.

126. The current basic rule prohibiting discrimination is article 5 of the Constitution Act which states that "All citizens of Finland are equal before the law". It is intended that the reform of legislation on fundamental rights, now in preparatory stages, brings this principle of equality in the Constitution Act in line with Finland's international human rights obligations. (See also chap. V on children's fundamental rights and freedoms.)

127. The Penal Code prohibits discrimination on the basis of race, national or ethnic origin or religion. It also prohibits the spreading of malicious lies in public concerning different population groups. The law also places civil servants, those engaged in business activities, and organizers of public entertainment under an obligation to observe generally accepted terms in serving all customers irrespective of origin or religion (Penal Code, chap. 13 arts. 5 and 6).

128. The status of disabled children has been the focus of special attention in Finland. An example is an attempt to integrate the education of mentally retarded children into regular education to the maximum extent. Municipalities are compelled by law to provide services to the disabled to help them participate in the life of society as is usual.

129. Language is an important foundation for the equality of children. Children who belong to the largest linguistic minorities study their own language and children who are speakers of foreign languages learn Finnish. These classes have been reduced somewhat due to the economic situation. It is important for the children in the future to ensure that classes in the native language of foreign speakers are increased and that these children have a possibility to learn Finnish to a sufficient degree.

130. Municipalities must provide statutory services to their entire population. This means that refugees and persons residing legally in Finland are entitled to the ordinary services given by society.

B. Best interests of the child (art. 3)

131. In the early 1980s, the primary importance of the best interest of the child emerged as the central principle of legislation on children. The Child Custody and Right of Access Act specifies how custodianship is determined and how it can be changed; it also details the rights and obligations of custodians with respect to children. The Act contains a provision, in the nature of a principle, of the content of the concept of the best interest of the child. Article 1 states:

> "The objects of custody are to ensure the well-being and the well-balanced development of a child according to his individual needs and wishes, and to ensure for a child close and affectionate human relationships in particular between a child and his or her parents.
>
> "A child shall be ensured good care and upbringing as well as the supervision and protection appropriate to his or her age and stage of development. A child should be brought up in a secure and stimulating environment and should receive an education that corresponds to his or her wishes, inclinations and talents.
>
> "A child shall be brought up in the spirit of understanding, security and love. He or she shall not be subdued, corporally punished or otherwise humiliated. His or her growth towards independence, responsibility and adulthood shall be encouraged, supported and assisted."

132. The objectives contained in this provision serve as a yardstick in assessing which solution in a particular case is in the best interest of the child. A matter relating to the care and right of access must primarily be settled in the best interest of the child (Child Custody and Right of Access Act, art. 10). According to the Government proposal for the Act, the best interest is served in a solution which will in the best way in the future guarantee the child such care as is referred to in article 1.

133. The Act also requires (art. 7) that a decision on custody and right of access not be enforced, if it is in the best interest of the child to have the case reviewed by a court. Decision on enforcement is made by the chief executory officer, who may conditionally impose a fine on the person who has the child in custody and order an execution officer to fetch the child. This procedure has come under heavy criticism recently, because it does not rest on the principle of protecting the best interest of the child but the rights of the parents.

134. Sometimes children are forced to see a parent against their will, thus reversing the principle of the Child Protection Act that "a child shall have the right of access to the parent with whom he or she no longer resides". On the other hand, authorities cannot easily interfere in situations where the parent residing with the child succeeds in manipulating the child against the other parent - the fear of and resistance to meeting the other parent are in any case real for the child. A Ministry of Justice working group is looking into the procedure of enforcement, which will be revised as part of the changes to be introduced in the execution procedure.

135. As elsewhere, the best interest principle is central to child welfare. The Child Welfare Act states that "in family-oriented and individual child welfare, the first and paramount consideration shall be the best interests of the child ..." and that "In ascertaining the best interests of the child, his or her wishes shall be taken into account, his or her growing environment shall be studied and due consideration shall be given to the probable effects of alternative child welfare measures". When a child is taken into care or

the measure is discontinued, the most important consideration is that it serves the best interest of the child (Child Welfare Act, arts. 9, 10, 16 and 20).

136. The Child Welfare Act does not specify how to ascertain the best interest but refers to article 1 of the Act. In weighing the alternatives to ascertain the best interest, child protection authorities must seek a solution which best fulfils the requirements of that provision.

137. In 1990, a provision was added to the Child Welfare Act to emphasize that social workers have an obligation to promote the best interest of the child. It requires the social worker responsible for matters relating to the child to monitor compliance with the best interest principle, assist the child as part of his or her official duties and, as necessary, refer the child to any other official to receive adequate help.

138. In practice, social workers face difficulties in fulfilling this duty for reasons that include the following:

(a) They lack means to oblige other providers of services to give children and their families the services these require;

(b) If the municipal social welfare board does not, for example, take the child into care, the social worker has no right to speak in the child's name and appeal the decision on his or her behalf;

(c) The child may feel that he or she needs counsel in objecting to the child welfare measures carried out or suggested by the social worker. This puts the social worker into two conflicting roles;

(d) The social worker may find it difficult to disagree with his or her employer or superior in cases where, for example, the child is not, for economical reasons, provided with the kind of assistance that is unequivocally in the child's best interest.

139. Training for social workers nowadays focuses more on work with adults and families rather than children, and they are guided into the same direction by the prevailing ideas of family orientation in child welfare. Recent studies have found that small children in particular are more easily overlooked in child welfare services provided as part of non-institutional care. It is hoped that a training programme will be created for social workers in future years to enable them to specialize in child welfare.

140. If duties in child welfare are, as far as possible, concentrated on a few social workers with the appropriate expertise, the ability, resulting from work experience, to listen to the child and to find solutions which serve the best interest of the child will accumulate. Within the past few years the practice of so-called integrated social work has been widely adopted. This means that child welfare is often the responsibility of a social worker who also receives clients who, for example, need income support and treatment for substance abuse, rather than that of a worker who specializes in child welfare.

141. Social workers say that with the present dramatic increase in the number of clients who need income support, there is alarmingly little time left for child welfare. The primary importance of the best interest principle requires that resources in the provision of social services be allocated with special focus on the needs of children.

142. The best interest concept is problematic in its ambiguity. Decision-making on children is essentially affected not only by the available facts but also by personal impressions and the professional ability to choose a solution which is in the best interest of the child in each case.

143. When the content of the laws on children were reviewed the practices and procedures used by authorities in making decisions affecting children should have been included in the review, in order to make the new objectives attainable. There is great variation in those practices and procedures. Disputes over custody and access have traditionally been heard by courts; disputes relating to the enforcement of decisions on custody and access are settled by execution, an administrative procedure; and decisions relating to measures of child welfare are made by elected laymen and administrative courts.

144. A number of organizations, researchers in law relating to children, and child welfare workers are critical of the current decision-making structure. They advocate a new type of system combining practical professional knowledge about children and legal expertise in a more flexible manner.

145. For the best interest principle to work in the legal decision-making process, the views of the child should have stronger representation. In the present situation, the struggle is in custody and access cases largely between the parents, and in the most difficult child welfare cases between the custodians and the municipal social welfare boards. Both social workers in child welfare and child welfare organizations have proposed that in difficult cases a representative with a law degree should be appointed for children to speak in their name in the judicial proceedings.

146. A number of other laws require that measures relating to children may be undertaken only if they comply with the best interest principle. Examples of such measures are adoption and the changing of a child's name.

147. The best interest consideration is relevant in the application of a large number of provisions which relate to the status of children but make no direct reference to the principle itself. These include a host of provisions which afford the child the right to self-determination or right to be heard in a case concerning his or her person. (See sect. D below on "Respect for the views of the child".)

148. The best interest of children is, further, protected by provisions in general legislation which affect the continuity and security of children's living conditions. Some examples are: In order to qualify for unemployment benefit, the applicant must be available for employment. When a parent who has been taking care of children at home registers his or her willingness to be gainfully employed, he or she must be allowed a period of time to arrange for the care of his or her child. Only in cases where the parent does not

succeed in doing so within a reasonable time may the employment authorities conclude that the parent is not available for employment (Act concerning income security for the employed, art. 5 (2)). If the children of a person seeking employment are attached to a certain place of residence because of their studies, the person may refuse work offered in a different region. Legislation also guarantees the children of farmers a possibility to continue living in the familiar surroundings and attending the familiar school. If a farming family lives on a farm which has to be sold by compulsory auction, the State may purchase the farm for social reasons. The dwelling on the farm can then be sold or rented to the wife or husband of the previous owner or to the children. This ensures that the children can remain living in their old home. (Act concerning the purchase by the State of real estate sold by compulsory auction 23/38). For more information about the subject, see the relevant sections in chapter II.

149. The best interest principle needs not only to be embodied in the provisions affecting children directly, it also has to be comprehensively applied by officials and those making decisions. One of the considerations in the Convention is the distribution of resources between generations. Article 4 states that States parties should undertake measures to implement children's rights "to the maximum extent of their available resources". In a period of recession, reduction, and prioritization this provision gives rise to a number of difficult questions. What is a reasonable share of the common resources for each generation - children, working age population, and pensioners?

150. The population is getting older, a development which widens the gap between the active population and the pensioners. This deepening social conflict cannot be solved without consideration of the needs of the child population. The European Year of the Aged 1993 raised the issue of solidarity between generations. The Convention on the Rights of the Child is one of the essential documents addressing this issue.

151. For the implementation of article 3 it is important to observe the best interest principle in all areas which have a direct or indirect bearing on the status of children. This requirement should be taken into consideration, for example, in the preparation of national and municipal budgets, in legislative work with implications for children, and in the reforms and changes of welfare services and benefits. A great deal of effort still needs to be made to reach this goal.

152. An example of the practical problems evident in the application of the best interest principle is the work of aliens authorities. On one hand, the officials relying on that principle, have granted residence permits to families with children who, although not found to be in need of international protection, have waited for a decision for a long time. In cases where, for example, the children have been attending school in Finland and thereby have become integrated in the country, the view has been taken that returning the families would not be humane and not in the best interest of the children.

153. On the other hand, the Finnish legislation on aliens does not contain any provisions specifically on children; neither is their special position considered in decisions affecting them. At the time of the preparation of

this report, problems of this kind arose in the case of one refugee family, and a working group with representation from several ministries was established to address the problems.

C. The right to life, survival and development (art. 6)

154. Some 65,000 children are born in Finland each year. The rate of stillbirths has declined steadily. The latest statistics (1992) show that 282 infants were stillborn, which amounts to 4.3 pro mille of all births. That is one of the smallest rates in population history. In 1992, 433 children died before attaining the age of 12 months. The rate of live births was 5.2 pro mille, a figure which is among the lowest in the world. Of the stillbirths, 37 per cent were infants with severe deformities. The infant mortality rate has declined to a level which is less than a fifth of that of the post-war period.

155. The past 20 years have seen considerable advances in family planning and sex education. Contraception has become widely accepted by the population. When they so request, women have a right to abortion for social reasons before the end of the twelfth week of pregnancy, and for medical reasons until the twentieth week. Foetal diagnostics, which is available to all mothers through maternity welfare services, has reached a high level of sophistication. Mothers thus have an opportunity to decide whether or not they are prepared to shoulder responsibility for the baby they are expecting, particularly in a baby who may be disabled. Very few babies are therefore born unwanted.

156. Social security benefits have been specifically developed to provide for the infants and their parents and to guarantee the parents a possibility to care for their babies. Maternity and child welfare services, the use of hospitals for giving birth, intensified medical care for newborns, and a system of child welfare clinics ensure babies good conditions for healthy development.

157. As a measure to safeguard their survival, practically all babies are registered directly after birth. The Penal Code and the Child Welfare Act protect the children's right to physical safety and adequate basic care.

D. Respect for the views of the child (art. 12)

158. Finnish legislation guarantees children and young people a fair number of opportunities to be heard and to be taken into account in the decision-making processes in individual cases. The most important provisions are discussed in chapter III. The primary importance of the best interest of the child is the leading principle governing all legislation on children, and in ascertaining what that interest is it is necessary to hear the child whenever his or her age and level of maturity allow it.

159. In contrast, no mechanisms have yet been built in the general decision-making processes in society to take account of the needs and views of children. An exception are cases where children and young people have, on an experimental basis, been invited to participate in environmental planning. As a result, two handbooks have been published.

160. Within the past few years, new methods for instruction in schools and for day care activities have been developed. These methods not only utilize the natural ability that children and young people have to learn, experiment and find solutions to problems, but also take account of their opinions and needs. For all children to enjoy the benefits of these methods, professionals should be made interested in them and to adopt them.

Respect for the child's views in decisions about care

161. When judicial decisions are taken to settle such questions relating to the person of the child as care, where and with whom the child resides, and relationships with immediate family members, they should, according to the law, be in the best interest of the child. In conflict-ridden legal proceedings on custody or access the child's views should, as a rule, be considered as one factor bearing on the decision. In most cases, the child is heard by a social worker assigned to prepare a report to the court; hearing before the court is exceptional, and possible only if approved by the child and if the practice causes her or him no apparent harm. The same principles apply to legal proceedings on taking into care or placement in substitute care.

162. In practice, a number of shortcomings are evident in the ways of ascertaining the child's wishes and opinions in a conflict situation. The current practices have been criticized by several researchers and organizations.

163. No minimum age is attached to the obligation to ascertain the child's views, but the child should be heard according to his or her level of maturity. The Child Welfare Act, however, contains a specific provision stating that, for decisions regarding taking into care or placing a child in substitute care, children who are 12 years old or more should be heard in the presence of a witness. These children also have a right of their own to appeal the decision as well as an absolute right to prevent the implementation of decisions on custody and access. This minimum age of 12 with its inevitable legal consequences appears to act as a guideline in hearing the child. In many cases, children under 12 are, in practice, not even seen by the social worker in private at the stage where their views are being explored.

164. The Child Welfare Act requires that an individual plan be drawn up on the custody of each client, including clients of non-institutional social work, in cooperation with all those involved. In the preparation of plans, children must also be heard, if permitted by their age and level of maturity. Studies in recent years, however, show that in non-institutional social work the wishes and opinions of children younger than teenagers are not taken into account sufficiently.

165. Respect for the child's views requires the worker to have the time and the ability to listen to the child and to interpret the child's message. This cannot be achieved by changing the law. It requires changes among those working with children: in their attitudes, training, organization of work, as

well as in consultation practices. The problems involved here are similar to those relating to ascertaining the best interest of the child (see chap. IV.B on the best interest of the child).

The child's wishes and the custodian's decision-making power

166. The Child Custody and Right of Access Act imposes the obligation on the custodian to consult the child on any important question relating to the child before taking a decision. The obligation applies to cases where consultation is possible with a view to the child's age, level of maturity and the nature of the matter. In making a decision, the custodian must take account of the child's views and wishes. The Guardianship Act imposes a similar obligation on the guardian in an important matter relating to the child's property.

167. Chapter III makes clear that children often have the right to make independent decisions and to be heard in cases affecting them and their property. An example is that a child of 15 may conclude and terminate an employment contract. The guardian, however, has the right to terminate the contract, if this is necessary for the education, development, and health of the child (Employment Contract Act, art. 5, Act on Seamen, art. 5).

168. When children are the object of measures by society or clients receiving services, their custodians frequently have a right and are in a good position to act as interpreters of their needs. But in a lot of situations, they are not used to hearing the child's own wishes and needs. An example is the choice of subjects at school and of career, which have a long-term effect on the child's life. The stated aim of the Comprehensive School Act is to let every child succeed to the best of his or her natural ability. In reality, the custodians wield a lot of authority over the extent to which the child's opinions are heeded in the various stages of his or her education. Under the current law, the choice of subjects at such advanced levels as upper secondary school and vocational school is subject to parental approval, although in practice it is nearly always the children who take their own decisions. This would suggest that the children's right to self-determination should be increased through changing the laws.

169. Respect for the child's views is particularly put to the test in cases where the child wishes to withhold from his or her custodian information which is held by authorities and to which the custodian would otherwise be entitled to have access. The traditional view taken in social welfare attributes to the custodian considerable rights to information about his or her child. This view was contested by the Parliamentary Ombudsman in 1992 who held, in a case appealed to him, that the child's will should, as a rule, prevail, if the child is old and mature enough to make independent decisions (see chap. V. on protection of privacy, below).

170. In health care, the matter is regulated by the Act on the Status and Rights of Patients, which entered into force on 1 March 1993. The Act proclaims the principle that the child is the subject of his or her rights. The treatment of child patients should ascertain and have regard for their opinions. If it is determined that the child has reached the age and level of maturity where he or she is able to decide for himself or herself, medical

treatment is provided in agreement with the child. In other cases, it is the custodian or other legal representative with whom there has to be agreement on the treatment to be given.

171. If a child is competent to decide on his or her treatment, he or she may also withhold permission to give information on his or her health to the custodian. This provision relates to article 16 of the Convention. Assessment of whether or not the child is competent to take decisions for himself or herself is made by the doctor or other health care professional. No specific minimum age is provided by law, because the level of maturity of children as well as the nature and extent of treatments vary a great deal.

172. Another area where the opinions of young people are given weight is vocational guidance. The Vocational Guidance Act states that vocational guidance may not restrict the individual's freedom of choice as regards field of work or career. It also provides that detailed information about the client may not be divulged to outsiders.

V. CIVIL RIGHTS AND FREEDOMS

A. The rights of the child in the reform of legislation on fundamental rights

173. At the end of 1993, the Government submitted to parliament a proposal for the reform of the legislation on fundamental rights (HE 1309/93). The reform was prepared by the Fundamental Rights Committee, whose report was used by the Working Group for Fundamental Rights as a basis of a revised proposal (Committee Report 1992:3 and publication 2/1993 of the Ministry of Justice Law Drafting Department)

174. The present Finnish Constitution was drafted before Finland became a party to international human rights treaties. The purpose of the reform is to expand and complement the Constitution to make it comply with Finland's human rights obligations. One of the implications is the incorporation of a specific provision to the effect that, as a rule, fundamental rights belong to all persons within Finnish jurisdiction, and not only to Finnish citizens, as the current text reads.

175. The Convention has had a direct effect on the preparation of the reform. The proposal recommends that some provision be made in the Constitution specifically to safeguard the rights of the child. Other fundamental rights are equally guaranteed, without regard for age, to all those within Finland's jurisdiction. The proposal contains a specific prohibition against discrimination on the basis of age, unless acceptable reasons exist to treat persons unequally on that basis.

176. The proposal makes the enjoyment of fundamental rights subject to the attainment of the age of majority only in exceptional cases. The right to vote in national and local elections, and in referendums, is afforded to persons who have attained the age of 18 in the year preceding the elections.

177. Laws on the exercise of fundamental rights would continue to be enacted by parliament. They could contain provisions relating to public order and of

relevance to children. An example are restrictions of the right of assembly in order to protect the rights of others. It may therefore be necessary to impose minimum age requirements for participation in registered associations. For any restrictions, grounds must be given which are acceptable for the protection of fundamental rights. In any case, children cannot be excluded from the scope of application of fundamental rights.

178. Another provision proposed to be included in the Constitution is one prescribing that children must be treated as individuals and as equals. The provision is designed to emphasize that children should be treated as equal to the adult population and seen as persons who, in principle, have fundamental and human rights equal to those of adults. The provision also serves to indicate that each child should be treated not merely as a passive object of action but as an individual person. Yet another purpose of the provision is to establish a foundation for the special care and protection reserved for children.

179. To assure children care and maintenance, two provisions are proposed. One provision states that the primary responsibility for the care of the child rests with the parents but that the State and local authorities must support them in ensuring the child's welfare and individual growth. Another provision prescribes that laws must be enacted to provide basic income security to which the child is entitled from birth or from the moment of losing his or her custodian.

B. Name and nationality (art. 7)

Name

180. Every Finn must have a family name and a first name. Names are regulated by the Names Act (694/85). The parents must register their child with the population register, and the names registered on that occasion may not be changed except in a procedure prescribed by the Act.

181. The Names Act gives detailed provisions on the criteria for the determination of the family name. If the parents have the same family name, the child receives the family name that the parents had at the child's birth. If each parent has a different family name, the parents may register the child in the name that either parent had at the child's birth. If the parents already have a child who has not reached the age of majority, the newborn child is given the family name that the sister or brother has.

182. If the child's family name has not been registered, the child receives the family name that the mother had when the child was registered. The Act also contains provisions on the assignation of the family name in adoption as well as on the procedures to be followed in the changing of the family name.

183. Following birth, the child must also be given a first name. The first names have to be registered together with the child.

Registration of children

184. The parents have an obligation to register the child within two months from birth. A doctor, midwife or nurse assisting in the birth must issue a birth certificate to the mother and send a copy to the population register (Decree on Births and Deaths). In Finland, nearly all children are born in hospital, and registration covers practically all births. Each registered child receives an individual identity number which also indicates the time of birth.

185. The population register enters the child in the mother's registration card. In the child's card, the identity of the child's biological mother is noted, and the identity of the man to whom the mother is married at the child's birth and who, in accordance with the law, is entered as the father. This presumption of paternity may be annulled by court order following a paternity suit, and is annulled whenever a man other than the husband acknowledges paternity. The child is also registered in the father's card.

186. The line is actively pursued that for non-marital children paternity should be established and confirmed. Under the Paternity Act, this is a duty of the municipal child welfare supervisor. In practice, the mother can refuse permission for the establishment of paternity, with the result that the child will not find out the identity of his or her father. In 1991, there were some 9,000 children below the age of 15 whose paternity had not been established.

187. Each person registered in the population register has the right to check the information on him or her. This means that nearly always a child has the right to know who his or her biological parents were, provided that paternity was entered in the register correctly. The same right is afforded to an adopted child. The data on the biological parents of adopted children are entered in the records on the children. While not public, this data is usually given to adopted children on request when they reach majority if not sooner. This question is not specifically regulated by law, but the Population Register Centre does not know of any cases where a local popular register has refused to give the requested information.

188. Increasing numbers of children are born who were conceived in vitro. Finland does not have special legislation on the subject. In treatment of infertility, the identity of the donor is concealed. Consequently, the child thus conceived will not know the identity of his or her biological parent. There are different views in Finland whether this is in accordance with article 7 and article 2 (2), which prohibit all forms of discrimination.

189. A proposal for a law on in vitro conception has been prepared by the Ministry of Justice, proposing that, from the age of 18 a person has the right to know the donor's identity. The proposal has not yet been submitted to parliament. Among the arguments its opponents have presented is that disclosure of donor information does not advance the best interests of the child because it might make the life of the social parent and family difficult. Another argument is that disclosure might violate the rights of

the donor, and in this way end donations. In the view of the opponents, disclosure of information should be allowed only if both parties give permission for it.

Nationality

190. Finnish citizenship laws are largely based on the hereditary principle. According to article 4 of the Constitution Act, Finnish citizenship is awarded to all those born of Finnish parents. A national of another country may be admitted to Finnish citizenship under conditions and in accordance with procedures prescribed by the Citizenship Act.

191. In accordance with the hereditary principle, the child receives Finnish citizenship if its mother is a Finnish citizen or if its father is a Finnish citizen and married to the mother. Finnish citizenship is also given to a child whose father is dead but who, while alive, was a Finnish citizen and married to the child's mother while the child had not yet attained the age of majority.

192. Secondarily, the child may receive Finnish citizenship in accordance with the birth of place principle. This means that if the child is born in Finland and does not, from birth, receive any other citizenship, he or she becomes a Finnish citizen. A child found in Finland is regarded as a Finnish citizen as long as he or she has not received the citizenship of another country.

193. In addition, for special cases the Citizenship Act contains provisions affording the child a right to receive Finnish citizenship (arts. 3, 3a, 3b, 7). The purpose of these provisions is to guarantee the child citizenship in all cases (Citizenship Act 401/68)

C. Preservation of identity (art. 8)

194. A person may be deprived of Finnish citizenship in only a few special cases prescribed by law. He or she cannot lose it and not even be relieved of it on application, if the person would become stateless in the process. A child can lose his or her original citizenship by adoption; the procedure is carefully regulated and controlled in intercountry adoption.

195. The registration of children and their right to know the identity of the biological parents was discussed in the preceding section. The right to preserve family relations is addressed later in the sections on adoption and separation from parents.

D. Freedom of expression (art. 13)

196. Article 10 of the Constitution Act states that "Finnish citizens shall have freedom of speech as well as the right of printing and publishing without prior interference by anyone". Other persons than Finnish citizens are guaranteed freedom of expression by law.

197. In the reform of law on fundamental rights, it is proposed that constitutional protection of freedom of expression be extended to give everyone the right to freedom of expression, including the right to express,

publish and receive information, opinions and other messages without prior interference by anyone. An act could be passed to impose restrictions for visual presentations which are necessary to protect children.

198. The law also guarantees children freedom of speech. An exception is a provision in the Act on Freedom of the Press which requires that the chief editor of a periodical or publication must be legally competent, or 18 years old (art. 21). The necessity of this restriction is related to the editorial responsibility of the content of the publication. See also the following section.

E. Access to adequate information (art. 17)

199. Studies show that children are fairly avid consumers of the mass media: 3 out of 4 children in the age bracket 10 to 14 read newspapers regularly, and 9 out of 10 in the age bracket 15 to 19. In the latter group, 82 per cent consider newspapers important or very important; 72 per cent appreciated the importance of television. It is television which takes up the most of children's time and regulates their lives. Nearly all households with children have television, and children spend approximately a fourth of their time watching it. On a daily basis, 70 per cent of children between 10 and 14 watch television. The programmes they favour are mostly music and entertainment.

Electronic media

200. The Finnish Broadcasting Company (YLE) operates under the supervision of parliament. It is composed of the radio broadcaster Yleisradio and YLE-TV with its two channels. YLE is a limited liability company, where the State is a majority shareholder. Its operations are based on a law on public broadcasting. It has its own rules and a council appointed by parliament to control and supervise broadcasting.

201. According to the rules, the purpose of broadcasting by YLE is to promote and reinforce such social and human basic values as democracy, freedom of speech, human rights, peace and international understanding, equality, responsibility for the environment and nature, and tolerance for minorities.

202. The new YLE Act provides that YLE is a public service broadcasting company which has a particular duty to serve Finnish-speaking and Swedish-speaking citizens on equal grounds. Also, it must cater to Saami speakers and, as applicable, to other language groups.

203. YLE acts on the premise that the responsibility for children's education and their viewing habits rests with their parents. But YLE assumes some responsibility for this in its choice of early evening programmes. In principle, YLE is alert on programmes containing violence, gives advance warning of it, conducts studies of its effects in its own research unit, and supports research carried out elsewhere and debate in general. Before 9 p.m., no programmes unsuited for children may be broadcast. In the choice of programmes, especially for children, priority should be given to those which emphasize optimism and the value of life and which do not contain violence. These should be slotted to daytime and early evening.

204. In actual fact, programmes targeted at children and young people often contain violence and have occasional pornographic features. The working group preparing this report tried to contribute to the ethical content of programmes for children and young people by making a complaint about a programme which in its view had a pornographic content and supplied one-sided information about prostitution.

205. From 1987 to 1993 some 10 per cent of the entire broadcasting time on television has been devoted to children. Not excluded in that figure is the broadcasting time for educational programmes which accounts for some 4 per cent of the total. Of the radio broadcasting, 1 to 2 per cent of the time is aimed at children directly, and 4 to 5 per cent are composed of educational programmes.

Libraries

206. Every municipality runs a public library. There are 1,125 libraries or branch libraries, whose services are complemented by 234 mobile libraries and 1,375 other service facilities.

207. The utilization rate has remained extremely high for a considerable period of time. In 1991, the total number of items lent reached 89.2 million, an average of 17.9 lendings per inhabitant. The number of visits to libraries amounted to 53.4 million; every Finn went to the library a little over 10 times.

208. Libraries are accessible to everybody. They serve the double function as municipal cultural and information centres on one hand and as leisure centres on the other. They cater to all ages, and, with their diversified services, have become the property of the nation as a whole. As amended in 1992, the Library Act provides for the free use of library services. It also requires the municipalities where both Finnish and Swedish are the official languages to observe the needs of both linguistic groups on an equal basis.

209. The children's and youth sections play an important role in developing in children a willingness to spend time with books. Some 15,000 events of various kinds, ranging from fairy-tale reading hours to puppet shows, are offered to children every year, with approximately 200,000 participants. The major significance that libraries have for children's culture is evidenced by the fact that 42 per cent of the books lent, some 32 million lendings, are children's literature.

210. Since 1985, the Ministry of Education has had a small extra subsidy for use by libraries in small municipalities to buy books. For this purpose, each year a list of some 350 books is drawn up for selection and purchase by these libraries. In 1992, the list of books from which subsidized purchases could be made included 37 books for children or young people. The subsidy grew steadily at first: from Fmk 350,000 in 1985 to the peak figure of Fmk 1,650,000 in 1992. The subsidy for 1993 amounted to Fmk 1,524,000.

Electronic network for schoolchildren

211. Practically all upper levels of comprehensive schools and upper secondary schools have access to various databases through a computer network. An important step to increase accessibility was taken in 1993 with the launching of Freenet, a network for schools. It opened to students and teachers alike a large number of Finnish and international databases, together with its own special files. The network gives students access to MPs, for example, and to consult the Mannerheim League for Child Welfare for their problems. At this early stage there is a fairly high user fee, in many cases payable by the students, which may restrict the use of Freenet.

Support for minority cultures

212. Since 1992, training programmes have been available for teachers of the native languages of linguistic and cultural minorities to give them good basic training for their work.

213. In spite of the hard economic situation, the Ministry of Education has increased funding for ethnic and other minority cultures in the 1990s. These funds are also used to projects of children's culture. The funding has grown as follows:

1991	Fmk 400,000
1992	Fmk 800,000
1993	Fmk 1,400,000

Efforts are being made to raise further funds. For more details, see chapter IX.D.

Pornography and violence

214. Finnish legislation restricts the commercial dissemination and presentation of products with brutal violence and pornography. Finland is party to the Convention for the Suppression of the Circulation of and Traffic in Obscene Publications, concluded at Geneva on 12 September 1923, and to the Protocol to amend it concluded in 1947. Films, videos and other visual programmes are subject to advance censorship. A film, for example, may not be approved for showing if it is obscene or brutalizing or is likely to impair mental health. When an assessment of the film's qualities is made, the way it depicts such scenes and their context are considered.

215. In a measure of censorship, the State Board of Film Censorship may order the removal of certain scenes or impose a minimum age for viewers permitted to see it. If censorship results in a complete ban on a film or in the imposition of a minimum age of 18, the film may not be distributed to consumers commercially. If a film may not be shown to those under 16, it may not be distributed to children under that minimum age.

216. The laws on the censorship of films and video and other visual programmes prescribe penalties. In addition, the production for commercial purposes, import, sale, hire and handing over of film and video recordings containing brutal violence is criminal under the Penal Code. In contrast, the

presentation of scenes of violence in printed form is not criminal, and is not made criminal in the proposal for the future reform of the Penal Code.

217. The distribution and sale of pornographic material in printed form are nowadays criminal as well. In practice, supervision and control are haphazard; and the interpretation of pornography varies from region to region and has been changing with the times.

218. The working group for the reform of the Penal Code has proposed that criminal liability be limited to acts for which wide agreement prevails. Acts subject to punishment would include the commercial or systematic distribution, public marketing, and showing of pictures and visual recordings which violate sexual morals as well as public acts which violate sexual morals, such as sexual intercourse in public.

219. The purpose of the envisaged provisions would be to protect the right of individuals not to be forced to encounter pornography in their everyday living environment. The idea is not to interfere with erotic or pornographic materials which adults acquire without publicity. An exception is the proposed prohibition against the systematic sale, import and manufacture of child pornography and pornography containing violence. Also, the proposal penalizes the handing over for gainful purposes of pornographic pictures, visual recordings and objects to children under 15 (Publication 6/1992, Ministry of Justice Law Drafting Department).

F. Freedom of thought, conscience and religion (art. 14)

Laws guaranteeing freedom of religion

220. The present Constitution guarantees every Finnish citizen the right to practise a religion publicly and privately, provided that he or she does not offend the law or good morals. Also, every Finnish citizen has the right to join a religious community or withdraw his or her membership in it. The rights and obligations of citizens are not subject to membership, or lack of membership, of a religious community (Constitution Act, arts. 8 and 9).

221. In the reform of the law on fundamental rights, it is proposed that the protection of fundamental rights be extended to guarantee freedom of religion and conscience to everyone, and not only to Finnish citizens. Included in it is the right to practise religion, express beliefs and belong or not to belong to a religious community. The proposed provision would guarantee freedom from not being obliged to participate in the practice of religion against his or her convictions and from not supporting a religious community where he or she is not a member.

222. The Freedom of Religion Act contains more specific provisions on the content of freedom of religion, including those on the criteria for determining the particular religious community to which children belong. That Act, together with the Comprehensive School Act, is the legal basis of religious education at schools. In some cases, these provisions cause problems which have led to discussion about the limits of teenagers' right to freedom of religion and to self-determination.

Membership of a religious community

223. The Evangelical Lutheran and Russian Orthodox Churches enjoy a special status under Finnish legislation. Members of the Evangelical Lutheran Church comprise 87 per cent of the entire population; 89 per cent of the children aged 15 or under; and 92 per cent of those between 15 and 19. One per cent are members of the Orthodox Church; another 1 per cent are members of other religious communities; and 11 per cent are not members of any religious community.

224. In the first instance, a child is a member of the religious community where his or her mother or the person mainly responsible for his or her upbringing is a member. The parents can agree that the child becomes a member of the father's religious community. If the parents are not members of a religious community, the child who is under 15 cannot belong to one (Freedom of Religion Act, arts. 6 and 7).

225. When the child has attained the age of 15, his or her withdrawal from the current religious community or membership of a different religious community is subject to his or her approval, if the custodian withdraws her or his own membership or joins another religious community. From the age of 15, the child may independently, but with the custodian's permission, withdraw his or her membership of a religious community or join one (Freedom of Religion Act, art. 7).

226. The principle of respecting and hearing the child's opinion is observed in the Finnish legislation on family and children. As a child of 15 may independently, at the side of his or her custodian, be party to legal and administrative proceedings in matters relating to his or her person, the minimum age provided for the choice of religious community may seem high. In Norway, for example, a 15-year-old child may join or renounce a religious community independently, and in Sweden the issue is being debated.

227. This is an important question for children before the age of 15, because at that age the children belonging to the Evangelical Lutheran Church participate in an important "growing-up ritual" by going to confirmation classes and having their first communion. The views of the custodian and the child's religious community also determine, until the child attains the age of majority, what kind of religious education the child is entitled or obliged to have in the school.

Religious education in the school

228. Comprehensive schools give religious education according to the religious community of the majority of students; in practice this is the Evangelical Lutheran denomination. Religious education is compulsory to all those children who are members of this community (Comprehensive School Act, art. 28). Children who are not members of that community and members of other religious communities are exempt from religious education, if so requested by their custodians (Freedom of Religion Act, art. 8).

229. If a minimum of three children have been exempted from religious education who are not members of any religious community, they are entitled to receive education which addresses ethical, moral and philosophical questions without associating them with a specific religion.

230. Some Evangelical Lutheran children would prefer to have those classes but this is not possible under the Comprehensive School Act. Not even parental approval plays any role here. In particular, students on the upper grades of the comprehensive school and in upper secondary school can be quite mature and see this constraint as a violation of their right to freedom of thought, conscience and religion.

Military service

231. If a deep religious or ethical conviction prevents a man from performing regular military service, he may receive exemption from it and be ordered to perform unarmed alternative service. Application to enter alternative service may be made before, during and after regular military service. The earliest opportunity for application is at the call-up or as soon as the person has started service as a volunteer. A conscript who has not yet attained the age of majority need not have the custodian's approval for application (Alternative Service Act 1723/91, arts. 1 and 6).

232. If a conscript is a member of the registered religious community of Jehovah's Witnesses, he may be exempted from military service in peacetime (Act relating to the exemption of Jehovah's Witnesses from military service in certain cases, 645/85)

G. Freedom of association and assembly (art. 15)

233. Article 10 of the Constitution Act states that Finnish citizens have the right, without obtaining permission in advance, to assemble to discuss public matters, or with any other lawful purpose, as well as to establish associations for the carrying out of purposes which are not contrary to law or good morals. Other legislation extends the right to freedom of assembly and association to persons who are not Finnish citizens.

234. The proposal for the reform of fundamental rights expands the constitutional protection of the right to freedom of assembly and association. The proposed provision gives everyone the right to organize meetings and demonstrations without prior permission and to participate in them. It also affords everyone the right to freedom of association, including the right to establish associations, belong or not to belong to associations and participate in their activities.

235. More specific provisions on the right to freedom of assembly are contained in the Public Meetings Act (6/70). It guarantees everyone the right to assemble at public meetings to discuss general matters or with any other lawful purpose. The Act, however, requires that a natural person who organizes a public meeting be legally competent, in other words has attained the age of 18 (art. 2). The minimum age requirement relates to questions of responsibility and to the obligation to maintain order at the meeting. The right to participate in a meeting is not in itself subject to any similar age

requirement. Comprehensive reform of the legislation concerning meetings and the right of assembly is under way. It is designed to improve the enjoyment of the right to freedom of assembly and freedom to demonstrate.

236. The right to freedom of association is regulated by the Associations Act (503/89). It does not require minimum age for membership of an association, and guarantees children the right to be members of associations with ideological purposes. The Act stipulates that the chairperson of the executive board of a registered association must be legally competent (18 years or more) and the other board members 15 years old or more (art. 35). A minor may not represent an association or sign for it. Every person who has attained the age of 15 has voting rights at the meetings of an association, unless the by-laws of the association require otherwise (art. 25). These minimum ages, which do not restrict membership itself, are considered necessary to determine questions of responsibility and to protect the rights of third persons.

H. Protection of privacy (art. 16)

Protection of the law

237. The Constitution contains a number of rules for the protection of privacy. Article 6 (1) of the Constitution Act states that "Every citizen of Finland shall be protected under law with regard to life, honour, personal liberty, and property". The Act also protects the rights of Finnish citizens not to be disturbed in their homes, and the rights to the secrecy of mail, telephone conversations and telegrams. In addition, the reform of legislation on fundamental rights proposes to protect the inviolability of the secrecy of all kinds of confidential communications, private life, and personal data; the protection of personal data would also be subject to further legislation.

238. In concrete terms, the privacy of children is protected by a number of provisions in the Penal Code: "Disturbance of Peace" (chap. 24); "Violation of Honour and Privacy" (chap. 27); and "Violation of Secrecy" (chap. 38).

239. Fundamental rights also belong to persons in welfare and medical care institutions as well as to those deprived of liberty for reasons of criminal justice, although their rights may be subject to restrictions as provided by law.

The custodian's power versus the child's privacy

240. There are two instances where the child's need for privacy may be called into question. First, to what extent can the custodian or substitute parent restrict the privacy afforded to the child by the Constitution? Second, to what extent is privacy protected for children confined in institutions? Not much discussion has taken place in Finland on such issues as the parents' right to inspect their children's mail or to listen in to their telephone conversations in order to supervise their doings.

241. The general rules on secrecy binding on authorities are part of the protection of children's privacy as well. An example is vocational guidance where, according to the Vocational Guidance Act, no information of a private

nature obtained in that work may be divulged to third parties. This rule applies to nearly all children, because most of children receive vocational guidance towards the end of their comprehensive school education.

242. The protection of a client's confidence is particularly important in health care and in a number of services in social welfare: child welfare, custody and access cases, and the work carried out by family centres. The field of health care has found a fairly good solution for the problem as far as children's rights are concerned. The Act on the Status and Rights of Patients, which took effect in 1993, has been discussed earlier in the report. The Act gives a child the right to withdraw consent for giving the custodian access to his or her medical files, in so far as the child is old and mature enough to understand the matter. At the time of writing, the Act has been in force for a little less than a year, and no information is available on its advantages or disadvantages.

243. Article 57 of the Social Welfare Act provides for a general obligation to maintain secrecy in social welfare. It permits divulging "the secrets of an individual or family" solely with "the permission of the person concerned or, when he or she is not competent to judge the importance of such permission, with that of the custodian". The wording of the provision means that the permission of the child must be obtained if his or her "secrets" are to be revealed.

244. The Act, however, guarantees "clients of social welfare" the right of access to his or her own files, including the custodian's right with respect to information concerning the child whenever "there are well-founded reasons". This explains the rather rigid view that custodians have the right to obtain any information, whether confidential or not, on their children who are under the age of majority (Social Welfare Act, art. 40 (2) and (3)).

245. There will be a change in this practice, following a decision by the Parliamentary Ombudsman in a case concerning the child's right to withdraw consent for allowing the custodian access to information which is normally confidential. The Ombudsman held in a case which was appealed to him: "The child's will must, as a rule, prevail when the child is old and mature enough to make independent decisions. This is the premise not only in the concept of the best interest of the child but also in the laws regarding children." Following his decision the Ombudsman made a proposal to the Ministry of Health and Social Welfare that the status of children as clients in social welfare be regulated more specifically.

246. Another instance where the protection of privacy is tested is legal proceedings relating to custody, the right of access and decisions on child welfare made against the child's will. In these cases the rules of confidentiality yield to what is seen as the protection of the legal rights of the parties involved, which requires that these need to have access to confidential information about sensitive personal secrets. It is particularly in the relationship between the child and the parents where there is an apparent need to examine the weight of the respective objects of legal protection.

I. The right not to be subjected to torture or other form of cruel, inhuman or degrading treatment or punishment (art. 37)

247. Capital punishment for crimes committed in peacetime was abolished in Finland in 1949, and for all crimes in 1972. Therefore children cannot be sentenced to capital punishment. Lenient scales of punishment are applied to young offenders; consequently, children cannot be sentenced to life imprisonment.

248. Torture and cruel, inhuman or degrading punishment are not in accordance with the Finnish legal order. The Penal Code prescribes the general punishments of imprisonment, fine and petty fine. They can be imposed on children from the age of 15. However, the Conditional Punishments Act (135/76) requires that a person may not be sentenced to an unconditional sentence for a crime committed by a person below the age of 18. Exceptions may be made for grave reasons. The law allows for the imposition of conditional punishment on a minor even where it would not be possible otherwise (Young Offenders Act 262/40).

249. A proposal relating to the reform of the law on fundamental rights envisages the incorporation in the Constitution of a specific provision to prohibit the use of capital punishment and torture and degrading treatment. These principles are already a well-established part of the Finnish legal order.

250. The Child Custody and Right of Access Act prevents the use of offensive and inhumane methods of upbringing. It states that "The child shall not be subdued, corporally punished or otherwise humiliated". In 1993, invoking this prohibition against corporal punishment, the Supreme Court passed a sentence for petty assault in a case where a stepfather had inflicted corporal punishment on a child (See chap. VI.I).

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

251. The Child Custody and Right of Access Act provides for the right and duty of parents or other custodians to care for the child. The custodian should rear, guide and control the child. As a rule, he or she has the authority to take decisions on questions relating to the person of the child.

252. But the Act also imposes an obligation on the custodian to consult the child before any decisions, if that is possible with regard to the child's age and degree of maturity and the nature of the question. Chapter III discusses some concrete cases where the child's and the custodian's rights to decide are parallel or mutually exclusive. Other chapters where reference is made to the custodian's right to influence the exercise by the child of his or her rights are V.F, IV.D and V.H.

253. If the child has been taken into care and placed in a substitute home, the same rights and duties fall upon the municipal board of social welfare and substitute parents to the extent that the purpose of the taking of the child into care requires.

254. For custodians and all those responsible for raising children to be consciously able to teach children to exercise the rights recognized by the Convention, the content of the Convention must be brought to the knowledge of both adults and children. Chapter II.C discusses methods to this end.

B. **Parental responsibilities** (art. 18)

255. The Child Custody and Right of Access Act states that the custodian has the responsibility for the child's upbringing and development. The underlying idea is that while given power over the upbringing and decision-making relating to the child, he or she is also required to act in the best interests of the child. The authority of the custodian does not rest on the paternalistic power of a parent but on the responsibility and duty to ensure that the best interests of the child are looked after.

256. Custodianship is not always vested with the biological parents. In contrast, the duty to contribute to the child's living standard is theirs, except where adopted children are concerned; adoptive parents are always both custodians and responsible for the child's standard of living. (See also chapter V.B, which explains the determination of parenthood.)

257. If the parents are married when the child is born, they have joint custody, and each parent is thus responsible for the child's upbringing and development. If the mother is not married at the time of the child's birth, it is the mother alone who is custodian and responsible for the upbringing. The parents may, however, agree on joint custody, or joint custody may be ordered by the court on application by one parent, if it is deemed that joint custody is in the best interests of the child. By court order custody may be given to persons other than a biological parent.

258. In case of divorce, joint custody is maintained, unless the parents decide differently or unless the court gives custody to one parent to ensure the best interests of the child. Joint custody following divorce is nowadays a common practice.

259. For the most part, joint custody works well, but in cases where the parents have a lot of disagreements, it can be an unreasonable strain for the child. The common practice of courts to order joint custody, even where the parents are totally unable to agree on anything regarding the child, has come under heavy criticism. At worst, this has left the child in a situation where no solution, even for the most important matters, has been achieved. It may have taken years, for example, for the child to be able to change schools or obtain a passport.

260. While the Child Custody and Right of Access Act emphasizes the pre-eminence of the principle of joint custody, the best interests of the particular child must always be the crucial factor when a decision on the custody of that child is made. With the Act in force for more than 10 years, it may be said that courts have every reason to take account of every child's individual circumstances much more fully than has yet been the case. They should consider whether the parents will be able to come to terms about questions concerning the child, or whether joint custody leads to continuous

disagreements by the separated or divorced parents, thus not achieving the best interests of the child. Problems relating to the best interest principle are examined in chapter IV.B above.

Public support to custodians

261. The responsibility for the child's upbringing rests mainly with the custodians. In order to carry out that responsibility, they receive support from municipal day-care, pre-school and school services. Day care is provided not only to the children of working parents but also to the children of parents who stay at home, if that is deemed to promote the children's growth and development. Examples of children who may be offered municipal day care for this purpose are those who are mentally handicapped or retarded or have socio-emotional problems. For these children, special day-care services are provided, although in many cases they are placed in normal groups of children.

262. The Comprehensive School Act stipulates that children must be given education in accordance with their age and individual abilities. Schools should support homes in their educational duty and seek close cooperation and agreement with them. Children and their parents have a right to give their own opinion if the children need to change schools or if they are reprimanded as a punishment in the school. Parents also have a right to influence the exercise of the rights of their children through the school board and parents' association. In cases where pupils have problems in the school community, it is the duty of the student welfare team to find ways to help them together with their homes.

263. In questions of upbringing, parents have the option of seeking guidance, advice and support at family centres. The Social Welfare Act obliges municipalities to provide family counselling on their own, in cooperation with other municipalities or as services purchased in the private sector.

264. In 1992, there were a total of 126 family centres but, as a result of austerity measures by municipalities, the number is decreasing. The centres receive 22,000 children every year. Increasingly, entire families attend consultations, which brings the total of clients to 51,000.

265. The purpose of family counselling is to support and promote the positive development of children and families by giving guidance, advice and other expert help for relationships, family life and the upbringing of children, as well as by giving treatment and conducting examinations into problems of family life and upbringing.

266. Examinations are carried out and therapy given for individuals, couples, families and groups. A number of family centres also carry out preventive work in the form of family education and family training. They assist in student care in schools, and give family counselling prescribed by the Marriage Act for couples considering divorce. Besides work with clients, family centres also provide consultation for other professionals working with children and families.

267. Family centres employ psychologists, social workers and doctors; some also have speech therapists. They have an obligation to observe

confidentiality. Most families seek the help of family centres on their own initiative, and children are not examined without parental consent. The services are free of charge. The staff of family centres have usually passed a year-long period of specialist training at a family centre which trains staff.

268. If parents face problems relating to the upbringing of children or their development, the necessary child welfare measures need to be taken. They are, in the first place, non-institutional measures. They require parental consent and cannot be taken if the child's development is thereby put at risk.

269. Non-institutional welfare measures include financial support, housing arrangements, use of a non-professional helper, therapy, holiday and recreational services, support for going to school, support for acquiring a profession or housing, and for free-time activities or other types of measures focusing on the child.

270. As of 1 July 1990, the families of children who are the object of child welfare measures have been entitled to housing provided by the municipality in cases where the need for the measures arises from unsatisfactory housing conditions. Young people subject to child welfare measures have been similarly entitled to special housing as a welfare measure since 1 January 1993.

271. The municipal social welfare board may restrict the exercise of parental authority over the upbringing of children through the possibility under the Child Welfare Act of taking the children into care and placing them in substitute care. Legally speaking, the measure does not deprive the parents of custody. The board, however, has the right to decide on such issues relating to the custody of the children as their care, upbringing, supervision, and similar questions, as well as their place of residence. The board should seek cooperation with the custodians.

272. A prerequisite for taking a child into care is that the child's development is or might be in serious danger and that non-institutional measures are inadequate. According to the law, the best interests of the child must in every case be the key criteria for any measures to be taken.

273. If the measure of taking the child or young person into care and substitute care terminate and the child returns home, the municipality has an obligation to provide him or her non-institutional support in the form of the measures described above, until he or she attains the age of 21. In practice, not all those entitled to after care are, as yet, covered by after-care measures to the extent prescribed by the Child Welfare Act. In particular, a shortage of special housing and small rented flats and a lack of work opportunities undermine the provision of after care.

274. In the past few years, economic reasons have stopped being the major reason for child welfare measures. Under the Child Welfare Act, they may no longer serve as grounds justifying the measure of taking into care; instead, other types of support must be provided for families and children to help them to overcome economic problems.

275. In contrast to this development, the number of urgent cases of children taken into care seems to have increased following a rapidly rising rate of unemployment. Unemployment has also forced into the sphere of child welfare new families who used to be able to cope well with the upbringing of their children, including families from upper social groups who were infrequent clients of child welfare services earlier.

276. Increasingly, the growing difficulties of families and children relate to substance abuse and mental health problems. There has especially been an increase in the number of women who have problems with substance abuse.

277. As some pregnant women also suffer from substance abuse, approximately 200 children with foetal alcohol syndrome (FAS) are born each year, sometimes with severe malformations as a result of the mother's use of alcohol during pregnancy. To counteract the situation, support services for mothers with alcohol problems have been increased. A dissertation on the subject by Ilona Autti-Råmö raised the question of whether authorities should have the possibility of restricting the mother's substance abuse during pregnancy in cases where the infant's health cannot be guaranteed through voluntary support measures. This has also been proposed by those looking after children with FAS.

C. Separation from parents (art. 9)

278. Finnish law permits the separation of a child from his or her parents against their will in three situations. The first situation is where the parents live separately from the child because of divorce or for similar reasons; these cases are regulated by the Child Custody and Right of Access Act. The second situation is where the child may be taken into care and placed in substitute care if the parents neglect the care of the child or mistreat him or her and the situation can no longer be remedied through non-institutional support measures; these cases fall within the scope of the Child Welfare Act. The third situation is an extreme case where, in accordance with the Adoption Act, adoption may take place against the parents' will. As far as is known, this option has been used only for two or three children.

279. In all these situations, the final decision is taken by the court. All parties have the right to be present in the proceedings. Children of 12 and older have the right to participate in the decision-making process in disagreements relating to his or her adoption or being taken into care. In disputes on custody and right of access, the child's right to speak is more restricted, but in practice the child may influence the outcome, because these decisions cannot be enforced if opposed by children of twelve or older. Chapter IV.D above discusses the problems relating to hearing the child and taking his or her views into account in decisions concerning the child.

280. Both the Child Welfare Act and the Child Custody and Right of Access Act emphasize the child's right to stay in touch with the parents. Authorities go to great lengths to ensure that children who have been taken into care retain contact with their biological parents. Contacts may only be limited on grounds specified by law, and decisions may be submitted to judicial review.

281. Steps have been taken to safeguard children's right to meet parents who do not live with them. The parent living apart may seek a court order on the right of access to the child, and, as necessary, the order may be enforced by coercive means in cases where the parent with whom the child lives will not give the other parent access to the child.

282. The law stresses that in cases concerning child welfare and divorce, it is the child who has the right to maintain contact with the parent; the law also requires that the contacts must be in the best interests of the child. In actual fact, it is only the parents who can avail themselves of legal remedies, and the assessment and judgement of the child's best interests and views do not always take place in a way that satisfies the child's individual needs. (See also chap. IV.B.) Adoption terminates contact between the child and a biological parent while the child is a minor, but on reaching the age of majority he or she has the right to information about the biological parents.

Taking into care

283. The Child Welfare Act provides that a child may be separated from his or her parents and placed in substitute care on an emergency care order or as a more permanent measure which entails more preparation. Taking into care may be involuntary, in which case the decision is made by the municipal social welfare board. The parties have the right of appeal to the Provincial Court and subsequently to the Supreme Administrative Court. The best interests of the child are in every case the central criteria for considering measures to take children into care and place them.

284. A child may be placed in substitute care not only on a long-term basis but also temporarily, as a non-institutional support measure. The purpose here is to provide support for the upbringing of the child or the rehabilitation of the child or the custodian. Placement as a non-institutional measure requires the consent of both parents and children of 12 and older.

285. The number of children placed outside their homes declined steadily for two decades, but rose sharply in 1992: in 1971, nearly 12,000 children were placed by authorities; in 1991, 6,200 children were taken into care, and 1,673 children were those placed as a non-institutional measure. In 1992, the total number of children placed increased by 8 per cent, to 9,414 children. The number of children who were in care was nearly 200 children more than the previous year, although there were fewer new cases. This means that the measures were of longer standing than had earlier been the case. There has been a slight increase in the number of emergency care orders.

286. Economic recession is reflected in child welfare in a number of ways. On the one hand, the threshold at which children are taken into care has risen, limiting the number of new cases. On the other hand, in cases where that measure is taken the problems are more serious, leading to placements of longer duration. The increase in emergency care orders shows that efforts to prevent problems are not successful, and acute crises follow. Even the crises are different now; unemployment and cuts in the number of day-care places

result in fewer reports by day-care professionals for the need of emergency measures. Parental consent is given for most cases where children are taken into care.

287. The number of cases where taking into care is involuntary has been rising since 1983. Some explanations are:

(a) Heavy criticism of "forced" help in the 1960s and 1970s nearly put an end to the use of involuntary care. The new legislation of 1983 elevated the best interests of the child as the key criteria for decisions regarding children. Involuntary care is increasingly seen to serve those interests;

(b) Not only the views of parents but also the wishes of children have gained prominence in the assessment of the need for involuntary measures. Since 1984, the possibility by children of 15 and more and, since 1990, by children of 12 and more of raising objections has led to the submission to the Provincial Court of cases relating to taking into care or placement into substitute care. In these cases children also have an independent right of appeal;

(c) In 1990, the involvement in cases relating to the taking into care of children was extended to biological parents deprived of custody, substitute parents and other persons who have taken care of the child directly; now they may effectively challenge the measure of taking a child into care, termination of the measure and decisions on substitute care. Similarly, since 1990, legal proceedings before the Provincial Court have entailed the possibility of free legal aid in child welfare cases;

(d) In 1990, strict time-limits were set for work following emergency care orders. This means that in many cases there is not enough time to forge cooperation with parents and other parties, which in turn leads to situations where no common understanding can be reached on the best interest of the child.

D. **Family reunification** (art. 10)

288. The Aliens Act contains a provision on family reunification. It stipulates that residence for a fixed term may be granted in cases where an immediate family member lives in Finland. As a rule, immediate family member refers to members of the so-called nuclear family: parents and children who have not attained the age of majority.

289. In practical terms, members of the nuclear family receive residence permits to immigrate to Finland if the family member residing in Finland is there permanently. So the right to family reunification does not depend on such considerations as the ability of the family member in Finland to bear the cost of living for the other members or the period of time that member has resided in Finland.

290. It must be stated, however, that the right to receive a residence permit is not absolute even for members of the nuclear family. When decisions are made on residence permits, deportations and refusal of entry, the interest of the persons concerned versus that of the State needs to be weighed. In cases

involving genuine family life of a parent and a child, the right to family reunification may not be denied save in very exceptional circumstances.

E. Recovery of maintenance for the child (art. 27)

291. Special provisions have been enacted to facilitate the recovery of maintenance. If the person responsible for the maintenance neglects to pay, the child will have a legal right to a maintenance allowance paid by the municipality. Having paid maintenance allowance to the child, the municipal social welfare board acquires the right to recover the total of unmade payments. The child and the custodian need not take any measures to secure recovery. When the welfare board has received authority to proceed to recovery, it must set a short deadline, not exceeding one month, for the payment of maintenance. When the deadline is past, the maintenance payments will be recovered by distraint (Security of Child Maintenance Act).

292. In situations where a debtor's assets are not sufficient to cover all his or her debts, outstanding maintenance payments have a high priority (Act regarding the order of priority of creditors, art. 4). Yet there is a considerable amount of unrecovered maintenance payments.

293. In order to facilitate the recovery of maintenance in cases where the recipient and the person responsible for maintenance live in different States, Finland has acceded to the Convention on the Recovery Abroad of Maintenance, concluded in New York in 1956, the Convention Concerning the Recognition and Enforcement of Decisions Relating to Maintenance Obligations towards Children, concluded at The Hague in 1958, and to the Hague Convention of 1973 on the same subject. In addition, there is a maintenance agreement in force between the Nordic Countries.

294. In 1993, parliament passed an act to amend the Act on the recognition and enforcement of decisions taken abroad with respect to maintenance obligations. The purpose of the amendment was to enable Finland to make bilateral arrangements between Finland and countries not party to the above Conventions to improve the recovery of maintenance. (See chap. VI.B for details about maintenance obligations.)

F. Children deprived of a family environment (art. 20)

295. In accordance with the Child Welfare Act, family-oriented and individual child welfare measures are used to rehabilitate families in difficulties and to protect children and young people from dangers resulting from the lack of parental resources and from crises in the family. In the first instance, the child and the family receive non-institutional support. This may include short-term placement in an institution or substitute family, based on mutual agreement. Care orders and substitute care are used only in cases where the family environment seriously endangers the development or health of the child and the situation cannot be improved by non-institutional measures.

296. In 1992, non-institutional child welfare had more than 20,000 clients who were children under 18. The number of children placed outside their homes was 9,414, of whom 2,539 children represented new cases. Boys accounted for 52 per cent of the children placed, and girls for 48 per cent.

297. The number of children placed in alternative care decreased markedly in the last few decades. In 1971, 7,200 were placed in institutions; by 1991 there were only 3,700 children. In the same period, the number of children placed with families decreased from 5,500 to 4,300. However, the figures rose at the end of the 1980s.

298. Following the entry into force of the present Child Welfare Act in 1984, each year more children have been placed in alternative care than had earlier been the case. The number of such children has grown from 1,800 to 2,500 children a year. This increase, together with fewer places available, means that children spend a shorter period in alternative care. Yet another explanation are cases where the family was successfully rehabilitated during the child's outside placement, and the child could return home safely.

299. However, a study from 1987 shows that some children were placed a number of times. This has raised the question whether children are kept in the care of their biological parents against their best interest. And if so, is it in an effort to save municipal funds by avoiding expensive alternative care, or is it because of a line of thinking that the taking into care of children is nearly always a less ideal alternative for the children than staying in the biological family, however deprived the environment. Or is it because the authorities taking the decision are not always aware of the repercussions for the child of repeated placements and insecure living conditions?

300. One reason given for repeated placements is that the threshold at which children are taken into care has become relatively high due to the legal safeguards of parents. Social workers often wait for sufficient proof even after they are convinced in their own minds that it is in the child's best interest to take the child into care and place him or her in alternative care. The original purpose of the Child Welfare Act was to improve legal safeguards for children. In the present situation social workers fairly commonly agree that the procedures offer more explicit safeguards for parents than they do for children and that children in conflicts over care should have legal representatives of their own to speak for them.

301. On termination of the measure of taking a child into care and placing him or her into substitute care, the municipality is under an obligation to support the child with after care in the form of non-institutional measures. Such after-care measures include voluntary placement in an institution or family, either as a continuation of earlier placement or as different placement.

302. In 1992, about 1,000 children or young people were placed in after care: 42 per cent of them lived with families and 25 per cent in institutions. Some 33 per cent were placed in institutions other than those designed for child care, such as residential homes, institutions for substance abusers, and folk high schools.

G. Adoption (art. 21)

303. In Finland few children are adopted from their biological parents and thus given a completely new home and different custodians. In 1990 the number of adopted children was 3,381, half of them girls and half boys. The figure includes children adopted from other countries.

304. Adoptions have always been relatively rare in Finland. In recent years, some 200 Finnish children have been adopted per year. One in three was a so-called intra-family adoption where one spouse adopts the other spouse's child born outside marriage or in a previous marriage. With provisions on intercountry adoption added to the Adoption Act in 1985, intercountry adoption has increased somewhat. Since that year, some 450 adoptions have been recorded every year.

Requirements for adoption

305. The general principles governing the law on children - the best interest of the child and hearing and respecting the child's opinion - are also central to the Adoption Act. The Act prescribes that adoption can be confirmed only if the authorities are satisfied that the child receives good care and upbringing and if adoption is deemed to be in the child's best interest. If the child has attained the age of 12, adoption cannot be confirmed against the child's will; objection by an even younger child may prevent confirmation in cases where the child is sufficiently mature. Decisions on adoption are taken by the court, and they are appealable.

306. The main rule is that adoption can be confirmed only if the child's parents give consent. In rare exceptions this is done without parental consent. These are cases where adoption is clearly in the child's best interests and where it is considered that withdrawal of consent is not justified considering the contacts and the nature of the relationship between the child and the parents (art. 9).

307. Before adoption can be confirmed, the persons seeking adoption and the child's parents must request adoption counselling, provided by municipal social welfare boards and, on authorization by the Ministry for Social Affairs and Health, adoption agencies. The purpose of adoption counselling is to:

(a) Establish whether the requirements of adoption are satisfied;

(b) Ensure that the child is placed with the adoptive parents;

(c) Monitor the placement in order to safeguard the child's best interests;

(d) Ensure that confirmation of adoption is carried out without delay.

308. Efforts are made to prevent all kinds of exploitation of intercountry adoptions for commercial purposes. Article 3 of the Adoption Act prohibits confirmation of adoption in cases where payment has been made or promised for

adoption. As a step to prevent abuse, Finland was involved in the preparation of the Convention on intercountry adoption which was concluded in The Hague in July 1993.

309. The Finnish law permits intercountry adoption through international adoption agencies. The City of Helsinki social welfare authorities, Save the Children, and Interpedia have been licensed by the Ministry for Social Affairs and Health to arrange adoptions. They may cooperate only with those foreign agencies that have been approved by the Adoption Council. This is designed to guarantee the observance of established procedures in intercountry adoption and the best interests of the child.

310. Intercountry adoption requires permission of the Adoption Council. If, while in a foreign country, a Finnish citizen has adopted a child, the adoption is not valid in Finland until confirmed by a Court of Appeal. Before confirmation, it has to be established that the requirements for adoption are fulfilled.

H. Illicit transfer and non-return (art. 11)

311. Parliament adopted an Act relating to abduction of children in 1993. The Child Custody and Right of Access Act was amended to effectively prevent the illegal transfer and non-return of children. After the reform, Finland will be able to accede to two treaties: the Convention on the Civil Aspects of International Child Abduction, concluded at The Hague on 25 October 1980, and the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children, concluded on 20 May 1980. These Conventions prevent transfer and non-return between countries which are party to them.

312. As reformed, the law will also improve the situation for children who have been brought to Finland from a State not party to either Convention. To this end, it specifies the criteria for the recognition and implementation of a decision made outside Finland on the care of or right of access to a child. The provisions adhere to the principle that a decision made in a foreign country is usually recognized and implemented in Finland, provided that the child concerned had such connections with the State passing the decision that the court of the State can be deemed to be justified in having made that decision.

I. Abuse and neglect, recovery and reintegration (arts. 19 and 39)

Corporal punishment and physical abuse

313. With the entry into force of the Child Custody and Right of Access Act in 1984, Finland became the second State in the world to prohibit corporal punishment of children. As a result of this legislation, the provisions of the Penal Code on abuse are applicable to custodians who abuse their children physically, even if their stated purpose was to punish the child. An example is a case where the Supreme Court sentenced a stepfather to a punishment for assault because he was in the habit of pulling a child's hair and slapping the child. In practice, the abuse of children rarely leads to criminal charges; rather, the cases that surface are handled with the means of child protection.

314. In 1982, the then National Boards of Social Welfare and of Health issued jointly a set of instructions for social welfare and health authorities faced with child abuse or neglect of care. Over the years, a lot of training has been available to various professionals locally. In 1984, the Ministry of Justice and the National Board of Social Welfare published together a leaflet on good upbringing ("Millaista on hyvä kasvatus") for distribution to parents and educators by social welfare and health services. Child welfare clinics and family centres discuss issues of upbringing and discipline with families.

315. The extent to which the prohibition of corporal punishment is observed depends on the attitudes of the population in raising their children. Public opinion polls show that disapproval of physical punishment has grown in the past 10 years. At the time of the enactment of the Child Maintenance Act the share of opponents was just over 50 per cent; a large part of the population still disagreed.

316. The authorities and the Central Union of Child Welfare are cooperating to produce a manual discussing the effects of corporal punishment and describing methods of raising children which promote their development.

317. In 1988, an extensive study was made jointly by the Central Union of Child Welfare and the authorities asking comprehensive school children questions about such things as violence they had encountered in their homes. The questions were posed to 7,300 school children, representing one age group. At the time of the study, the children were 15 or 16, while they had been 11 or 12 when the Act prohibiting physical punishment took effect. In that age group at least, physical punishment of children was still widespread. In their lifetime, 72 per cent of the children had been the object of less serious and 8 per cent the object of serious violence.

Child welfare measures

318. The Child Welfare Act prescribes that the municipal social welfare board must take support measures without delay in cases where the family environment prejudice or fail to safeguard the health and development of a child or a young person. Abuse is a very common reason for child protection measures. Statistics, however, show that neglect is roughly 10 times more common as a reason for taking a child into care. In many cases the neglected children have also endured abuse, but that is rarely given as the main reason for protection measures. See sections B, C and F of the present chapter for a discussion of the possibilities of social welfare services to support the child and the family and to take the child into care. These measures are used to help abused and neglected children.

J. Periodic review of placement into foster care (art. 25)

319. For each case of family-oriented and individual child welfare a case plan must be made together with those concerned. The plan contains the circumstances and matters which placement is designed to change, the methods to be used, and an estimated period of time within which the objectives are hoped to be reached. The case plan for a child in substitute care also gives the purpose and objectives of placement as well as specifies the special

assistance and needs of the child and the foster parent. The plan must indicate how often it has to be reviewed (Child Welfare Act, art. 11 and Child Welfare Decree, art. 4).

320. When the need for care or placement has ceased to exist, the measure must, in accordance with the Child Welfare Act, be terminated, unless termination is contrary to the best interests of the child. As the threshold at which a child is taken into care is in fact fairly high in Finland, it is used when a child is deemed to need permanent, long-term placement in alternative care. The municipal social welfare board maintains regular contacts with the place of care and parents, and makes the most important decisions concerning the child. This means that the need of foster care is periodically reviewed.

VII. BASIC HEALTH AND WELFARE

A. General outline of the Finnish social welfare and health-care systems

321. Residents of municipalities are entitled to receive social welfare and health care services. The obligation to provide these services rests nearly exclusively with the municipalities. The administration of the services in the municipalities is the responsibility of a body composed of elected lay members which increasingly deal with social welfare services and health care services, such as the municipal social welfare board. The members of the board are appointed by the Municipal Council, which is elected by general ballot.

322. In practical terms, most social welfare and health care services are provided by the municipalities. The municipalities are, however, free to give services jointly with other municipalities or buy them from other communities, municipal federations, government agencies or private enterprises. The government grants system, which underwent changes in 1993, has given municipalities greater leeway in entering into contracts with private enterprises and non-governmental organizations for the purpose of buying services.

323. In the fields of social welfare and health care, a considerable part of services are in fact provided by non-governmental organizations. These services, which are bought by municipalities, cover child welfare, care of the disabled and rehabilitation, for example. These flexible arrangements bring benefits especially to small minority groups, such as Swedish-speaking persons with disabilities, who are a minority within a minority. A great deal of services to Swedish-speakers are provided by an NGO called Folkhälsan.

324. Services are funded mainly by taxes. Municipalities have a right to impose taxes; in addition, they receive nearly half the costs incurred by social welfare and health services as government grants. Depending on the way of computing, fees paid by clients cover 5 to 10 per cent of the costs of municipal health care services. In social welfare, the proportion of these fees is roughly 12 per cent.

325. In the past 20 years, a relatively centralized system of government grants and planning has been used to direct the provision of social welfare

and health services in municipalities. As a result, the network of services covers practically the entire country. There is no great variation from one municipality to another in the availability of services to the citizens at present. However, the centralized system has now been dismantled to some extent and, instead, local decision-making powers have been increased through the strengthening of municipal self-government. This means that decisions such as those significant to the exercise of the rights of children are increasingly being made at the municipal level.

326. In 1993 the revision of the government grants system, designed to increase the economic decision-making power of municipalities, took effect. Particularly in small municipalities, the revision appears to undermine the availability of special services necessary for children. As the municipalities now receive the grants on the basis of computations, they may, for reasons of economy, even fail to take decisions that are indispensable for child welfare. In smaller municipalities, the long-term substitute care of a single child is a considerable extra burden to their economy, because the government grant does not, in the revised system, grow in accordance with the real costs, but on the basis of computations. In contingencies, municipalities are entitled to apply to the Ministry of the Interior for a special grant, but as far as services for children are concerned, this arrangement does not appear to function smoothly.

327. At the moment, an obvious conflict exists between the goals of preventive social welfare and health care and the resources available for that work. In the midst of the current economic distress and unemployment, what citizens especially need is services which act as a cushion, help them to cope on their own, and promote health and social well-being. Also, the national programme for social welfare and health, drawn up by the Ministry of Social Affairs and Health, emphasizes the importance of prevention. Yet, it is these inexpensive services that municipalities are reducing, and justifying the reductions by the need to effect rapid economies. What used to be centralized direction by the State, has now become mere recommendations, leaving future developments open for municipal decisions.

B. The survival and development of the child (art. 6)

328. The subject has been discussed above in Chapter II.C, and relevant information is also contained in the present chapter.

329. A lot of attention is focused on prenatal and neonatal care. The low infant mortality rate and good health of children are the proof that the work has succeeded. The health care system has aimed at preventing problems or at least preparing for them in advance to the maximum extent. Maternity care which covers the country at large has made this possible.

330. The care of newborn infants receives special emphasis. Therefore even premature babies have a good chance of surviving and developing perfectly normally. Every year, some 450 babies are born who weigh less than 1,500 grams. Even babies weighing as little as 500 grams and born in weeks 22 to 24 may survive and develop normally. The care of small premature babies is a cooperative effort of a number of special fields. The latest

statistics (1992) show that after the first week, more than 60 per cent of those weighing less than 1 kilogramme were still alive, and roughly 80 per cent of those weighing from 1-1½ kilos.

331. A follow-up study of five-year-old children who were born prematurely gives an estimate that two thirds of the babies born in week 24 and as many as 90 per cent of those born in week 28 develop normally. Even in the case of the smallest premature babies, the complications resulting from treatment are fewer and now rarely lead to blindness.

332. A Finnish specialty in the field of social security is the maternity benefit which is available to every mother on application, provided she has undergone a medical examination at an early stage. She can choose to have the benefit as a maternity pack, the preferred choice of more than 80 per cent of the families, or in cash. The pack contains clothes and materials necessary for the care of a baby. The family also receives a booklet containing information about social welfare benefits and services available to families with children, as well as on the care, upbringing and development of a baby.

C. Children with disabilities (art. 25)

Social policy and legislation regarding people with disabilities

333. Finnish social policy on people with disabilities aims at creating a society which safeguards all people, including anyone with disabilities, equal opportunities for a normal life. The special services for persons with disabilities are mostly financed by the public sector and given within the general service systems available to all citizens. The general services may be complemented by special services, as necessary. The care and services for people with disabilities may also be provided in special institutions, if the degree of disability so requires.

334. The key objectives of the social policy on people with disabilities are equality, participation and equal opportunities. To what extent these objectives have been achieved can be examined against the backgrounds of legislation and the everyday life of a child with disabilities. The laws which are the most important pieces of legislation for children with disabilities have recently been reviewed: the act relating to services and support measures to be provided on the basis of disability in 1987 and rehabilitation laws in 1991. Follow-up studies are under way on the implementation of these legal reforms.

335. Other legislative changes introduced in the past few decades have also had an effect on the status of children with disabilities and young people as well as on the support measures they may need:

Day Care Act;

Comprehensive School Act and other school laws;

Act relating to the services and support measures to be provided on the basis of disability (the Services Act);

Incorporation of special child care allowance in the Social Security Act;

Review of rehabilitation laws;

Addition to the Social Welfare Act of provisions on care provided by family members which entered into force on 1 July 1993.

336. The Services Act is considered progressive even by international standards. It provides for the ways in which the living conditions of people with disabilities should be improved as well as for the special services and financial support needed by the handicapped. The Act defines disability as a condition between the limitations of an individual and the environment: the better the needs of people with disabilities are observed in the planning of buildings, transportation, aids and services, the smaller the handicap caused by the disability.

337. The Services Act was enacted with special emphasis on the position of those with severe disability. Municipalities have a special duty to provide the services and support that are indispensable for persons with disabilities to be able to carry on their lives independently. Persons with a severe disability have the so-called subjective right to obtain transport services and a person to accompany them, to live in a service flat, to have changes made in their flat, and to acquire facilities and equipment which form the usual accessories to a flat. From the beginning of 1994 municipalities have also had a duty to provide interpretation to aurally and visually handicapped persons and to those with a speech impediment.

338. Because of the economic recession, the fairness and justification of subjective rights have become subjects of discussion recently; it has even been proposed that these rights should be abolished. The Ministry of Social Affairs and Health believes that some of these rights should be preserved for persons with a severe disability. They have turned out to function well and serve a purpose, and are particularly necessary for people in a difficult financial situation.

339. A number of laws guarantee a child with disabilities the right to individual treatment. The school and the social welfare and health care services draw up service and rehabilitation plans to establish a complete picture of the child's situation. The service plan defines the services required for the child, while the rehabilitation plan specifies the methods and steps necessary to achieve the set goals.

340. Better opportunities for participation by persons with disabilities, by their families, and by organizations defending their rights have been provided through the establishment, in nearly half the municipalities, of councils for the disabled. The councils are bodies for cooperation between authorities, organizations and persons with disabilities with a right to make proposals and give opinions in matters of importance to the lives of people with disabilities. A National Council for the Handicapped functions in connection with the Ministry of Social Affairs and Health.

341. There are about 70 registered organizations working with the handicapped, five of which are organizations for the parents of children with disabilities.

The latter have an umbrella organization. Studies show that it is the organizations which are the most effective medium for information to the parents of a child with disabilities of the legal benefits available to the child and the parents. The organizations receive part of their funding from the State. They are heard in parliament, for example, when reforms are planned which affect the situation of children with disabilities.

The care of children with disabilities

342. Services have been created to help children with disabilities to live at home and their families to cope. In July 1993 an amendment to the Social Welfare Act took effect which guarantees a pension to those engaged in the care and assistance of their family members at home. The purpose of the amendment was to safeguard the right to free time of those caring for other family members at home as well as the services which support that work. The financial support available for care by family members is divided into three categories according to the restrictions of the work for the life of the family members.

343. Finland has made an effort to decrease care in institutions and to provide a variety of municipal services. The follow-up on mentally handicapped children formerly confined in institutions has shown that many children have been discharged and receive non-institutional care. While 10 years ago 2,500 mentally handicapped children were in institutional care, there are now fewer than 400. The purpose is to offer a higher quality of life at lower costs. Despite the vigorous development of institutions for mentally handicapped children in the past few years, studies show that the opportunities for participation, outdoor activities and other types of exercise by persons confined in institutions continue to receive too little attention.

344. Few children with disabilities are placed in families on a permanent basis, and if so, are placed under the Child Welfare Act. Family care units have been established but they are designed for mentally handicapped adults. Family care would seem to have an important role in providing temporary care to help families to cope.

345. The care of Swedish-speaking people with disabilities is entrusted to the Kråkulla municipal federation (Kråkulla samkommun), which is an organ for mutual cooperation between Swedish-speaking and bilingual municipalities. It has worked, with much more determination than its Finnish-speaking equivalents, to develop a model of services based on integration and normalization. In the Swedish-speaking districts of Finland mentally handicapped children are no longer confined in institutions.

346. In 1991 a reform of the rehabilitation system was introduced, which has, according to preliminary research data, improved the position of persons with severe disabilities. As part of the reform, the law afforded them a subjective right to receive medical rehabilitation.

347. Lately, special attention has been paid to the quality of life of people with disabilities. Their possibilities to participate in decisions concerning

their care and to control their own lives may be limited. Efforts are therefore made to improve and guarantee the quality of services available to them through a variety of research and development projects.

Education of children with disabilities

348. The stated aim in Finland is to integrate the education of children with disabilities with the general education provided in schools, but this has been slow. Education is compulsory for all children with disabilities. In the school year 1992/93, 14,660 children of comprehensive school age attended special education in classroom. Some 81,000 children received part-time special education.

349. The legislation has created the framework for the integration of the education of children with disabilities in comprehensive schools. Municipalities or other authorities may provide students with disabilities with individual aid equipment and school assistants, facilitate access, and ensure transportation and interpretation. As necessary, a personal education plan is drawn up for a child with disabilities. Austerity measures by municipalities have affected the education of children with disabilities.

350. Responsibility for the education of children with disabilities, except for severely handicapped children was transferred from social welfare authorities to school authorities in 1985. There are roughly 700 children from 6 to 17 years with an extremely severe mental handicap. It is intended that school authorities will be given responsibility for their education in 1995, provided that the economic situation does not prevent this reform. The National Council for the Handicapped believes that the education of these children has not been integrated in the manner required by article 28 of the Convention. It is only the education of Swedish speakers that has, by voluntary measures of the municipalities concerned, been integrated into comprehensive school education.

Leisure

351. A number of persons with a severe disability require special transport and an assistant in order to be able to participate in leisure activities. The Services Act guarantees free travel to work and school to those with severe disability as well as 18 free trips in the immediate vicinity of the place of residence. Separate camps and clubs have been arranged for mentally handicapped children.

D. Health and health services (art. 24)

General health of children and factors influencing it

352. The health of Finnish children is relatively good by international standards, which is reflected in the fact that accidents are their greatest health risk. Part of the explanation can be found in the living conditions of the population as a whole: primary health care, basic income security and a number of social welfare benefits are guaranteed to every Finn. The housing

conditions are mostly good: 89 per cent of children live in housing with running hot water and sewage, own toilet and bathroom or sauna, and central heating.

353. Free school meals ensure that children of comprehensive school age receive a nourishing, hot meal on school days; children in day care have three meals a day. Education for a healthy lifestyle and wholesome eating habits is provided by child welfare clinics, health centres, schools, organizations and the media.

354. The exceptionally deep recession which Finland is facing has raised a public debate around the question of hunger: whether it is a considerable problem in Finland or not. The debate, which attracted a lot of public attention, was based on a study centred on the health implications of the economic recession; the purpose of the study was not so much to gather data on the experience of hunger by the Finnish population, but the information about hunger came as a by-product of the health study. While the child population was not the subject of the study, the debate will serve as foundation for taking the children's needs into account more fully.

355. The standard of environmental hygiene is high. The standard of hygiene in the production and sale of foodstuffs and in the operation of institutional kitchens is controlled; the norms for and control of air protection and noise abatement help to prevent environmental health problems; municipalities have a duty to supply electricity and clean water and to maintain a sewerage system in densely populated areas.

356. Generally speaking, a lot of attention is devoted to the care of small children. Guidance to families is given by child welfare clinics; parents have the option of taking child-care leave in the first years of a child's life and whenever the child is taken ill; the municipal child-care system ensures that small children are cared for when parents are at work.

357. When children are born, maternity clinics and maternity hospitals embark on a programme of immunization, screening and medical examinations which is later taken over by child welfare clinics, schools and universities as part of their health-care services, and, finally, for boys, by the army. In this manner, the various diseases may be prevented, or diagnosed and treated at an early stage.

358. While the child population has decreased, in medical care the special field of paediatrics has grown in volume. Paediatric wards have enjoyed a special position in the acquisition, for example, of facilities and hiring of medical personnel for university hospitals.

359. The National Health Care Act places municipalities under an obligation to provide a number of services to their inhabitants, including medical care, health education, dental care, mental health services and medical rehabilitation. To those working within its confines, each municipality must provide occupational health services and health education; to students of schools located within the municipality, it must ensure school health-care services. The students must also be ensured student health-care services, which consist of health, medical, and dental care.

360. Finns enjoy relatively good physical health, and the standard of health and medical care available to them is fairly high, although there is concern that the economic recession and the revision of the government grants system will eventually somewhat undermine their health and the standard of services. An indication is that the mental problems of children and young people have increased.

361. Suicide is a serious problem in Finland, and the rate of suicide by young men is one of the highest in the world. A project to prevent suicide is currently under way, including a campaign targeted at schools. Information will also be offered to various authorities to help them to recognize suicidal tendencies in their clients and to combat them.

Health services available to children, young people, and families with children

362. The services of health centres form a series from family planning and advice on contraception to maternity care, to be taken over by child welfare clinics, school health care, and ending with student health care. The same health care record is maintained of each child until he or she finishes studies. The services of preventive health care are free of charge to clients and non-compulsory; they are used by nearly 100 per cent of the population. Dental care is provided free to all under the age of 19, as are examinations by doctors and related tests to all under the age of 15 in open care by municipal health centres.

363. The purpose of maternity clinics is to safeguard the health and safety of mother and foetus during pregnancy, as well as to promote family welfare. Maternity clinics offer not only regular medical examinations but also family training courses to help families to prepare mentally to a changing family situation and to the birth and care of a baby.

364. The programme of maternity clinics contains, in a normal pregnancy, 10 visits by the mother for examination by a nurse and 3 for examination by a doctor. If the mother's health or similar considerations so require, more examinations are provided or the mother is referred to a maternity hospital as an outpatient.

365. The programme also includes a number of screenings for diseases that may place the pregnancy, foetus or mother at risk. These screenings are continually developed and evaluated. Practically all mothers now use the services of maternity clinics. This development was aided by the introduction of the Maternity Benefit Act, which tied the right to maternity benefit to medical examination before week 14. (For maternity benefits, see section B above.)

366. Roughly 65,000 children are born every year in a total of 50 hospitals with maternity wards. Mothers at risk are usually concentrated at seven or eight university hospitals or central hospitals. Only a handful of mothers a year deliver at home by intention (the figure for 1992 was 11). While the safety of deliveries receives a great deal of attention, a rising concern in the past 10 years has been to make treatment and care more humane, so as to give mother and family a possibility to be more actively involved; more

than 60 per cent of the fathers are present in delivery. The average age of mothers is 28.6 years, and the proportion of first deliveries is nearly 40 per cent.

367. In 1992, the prenatal death rate was below 0.7 per cent, one of the lowest figures in the world. This is to a considerable extent the result of maternity care, safe deliveries in hospital, and the good care of new-born babies. But an important factor is the opportunity of working mothers to rest in the final stages of pregnancy and after delivery. Delivery entitles a mother to maternity benefit and parents' benefit for 263 weekdays, with a right to maternity benefit starting not later than 30 weekdays before the calculated date of delivery. A working mother is entitled to leave for the period she receives maternity or parents' benefit.

368. If the mother's health so requires during pregnancy, she may have sick leave, with pay or daily allowance. The possibility to rest before and after pregnancy also covers mothers who are farmers and raise cattle; they have a right to acquire a person to replace them for that period.

369. Since 1991, an additional benefit has been extended, in the form of special maternity leave, to mothers whose work is classified as dangerous. The purpose is to protect mother and foetus from the dangers caused by chemical substances, radiation and communicable diseases.

370. The services of child welfare clinics are designed to safeguard the health of children and to establish a sound basis for adult health. An essential part of the services is to support and promote the growth and development of children through the provision of advice and guidance to parents, immunization programmes to prevent serious communicable diseases, and the monitoring of children's physical and mental development by medical examinations. The staff include not only a nurse and a doctor, but also a team of various professionals composed of, as need may be, a psychologist, social worker, physiotherapist and dental nurse.

371. While infants are monitored closely because of their rapid growth and development, children at pre-school age are examined less frequently. If a child requires special attention, the frequency of visits is tailored to his or her needs. The services of child welfare clinics are intended for all children, and they are used by nearly 100 per cent of them.

372. School health care is a continuation of the long-term monitoring of the health of children which begins in child welfare clinics. Schools have a nurse and a doctor, and, as necessary, specialists, who are all employed by the local health centre but in most cases work on the school premises.

373. School health care aims at planned, child-centred and comprehensive services, with emphasis on health education, prevention of health problems, and cooperation both within the school community and with schoolchildren and their families. The key objective of health education is to give every child an idea of the importance of health and of the elements which promote health and which children can use to improve their own health.

374. Periodic medical examinations are carried out in certain grades, designed to cover all pupils. It is hoped that in this way the students with health risks can be detected, for intensive monitoring and treatment in future.

375. The school nurse is a member of the school's student welfare team. In this capacity, the nurse has an important task of supporting a child or a young person who in his or her school days faces psycho-social problems. Psycho-social welfare is an area which should be more central to school health care, because the rate of suicide for Finnish young people is one of the highest in the world.

376. Statutory student health services are available to students at vocational and professional schools in health centres, whereas university students are looked after by the Student Health Care Foundation. Students pay a fixed annual fee for the services. The student health services pursue the work started by the school health-care system, but allow students, who lead more independent lives, greater responsibility for their own health and activate them to seek health services independently.

377. Both child welfare clinics and school and student health-care services have faced considerable cuts. The services of doctors, in particular, have been reduced, and some of the duties formerly performed by nurses have been replaced by home nursing. Attempts have been made to rationalize services, and to find new working methods; experience from the latter has proved useful in trial projects.

378. Paediatrics is at a very advanced level in Finland as a whole, and fairly accessible. The number of hospital beds and the extent of open ward services are adequate; the staff of paediatric wards have special training. Hospital treatment has undergone radical changes in the past few decades. This entails an attempt to take the children's needs into consideration: persons to play with children, child nurses and schools are needed in the treatment of children, and parents should be given an opportunity to participate. Nordic standards have been set for the treatment and care of children in hospital which emphasize these principles.

379. In the 1950s, the standard of dental hygiene was poor among Finnish children. An act concerning dental care for schoolchildren entered into force in 1957, leading to systematic dental care. Pupils of elementary schools were called regularly for treatment, which was little else than filling cavities. With the introduction of the National Health Act in 1972, intensive measures were taken to improve preventive dental care. Systematic and preventive dental care for children free of charge has proved a good solution in the Finnish context.

380. It is essential for children that preventive care begins before a child is born, with guidance to his or her family. The guidance is designed to extend to all expectant mothers, and it is later pursued by child welfare clinics and schools. Part of the guidance is to teach children to brush their teeth correctly, use fluoride products, and to eat nutritious food. Dental clinics engage in preventive dental care in a number of ways; an example is the provision of fluoride coating. The aim in preventive and corrective dental care is to cover all children.

381. Dental caries, which used to be very common, has now decreased to a level where, in 1991, more than 50 per cent of the six-year-olds were completely free from it, as compared to 30 per cent in 1979. In 1991, 12-year-old children had, on average, 1.25 teeth with a cavity or filling or which had been removed. The respective WHO goal for the year 2000 is 3.0.

382. Earlier, children were given a dental check-up and treatment every year. Now the intervals between check-ups vary from child to child, depending on their dental condition.

383. Children are not equal in their right to specialist dental care. Straightening of teeth is an example of treatments not necessarily provided by each municipality.

384. Children and their parents also have the option of using dentists in private practice. Health insurance covers part of the fees of these dentists, but not the cost of straightening of dentures.

Mental health services

385. Various studies estimate that some 15 to 20 per cent of Finnish children and young people suffer from some type of mental disturbance. About 7 to 10 per cent of children under 12 and 12 to 15 per cent of those over 12 are estimated to be in need of child psychiatric examination and treatment. Mental disturbances seem to be somewhat more prevalent in adolescents: about 7 to 8 per cent of them suffer from serious disturbances. Approximately 0.5 per cent of each age group are problem adolescents. In 1990, 0.4 per cent of young people between 16 and 19 were on pension for psychiatric reasons.

386. Consequently, the greatest challenge for the health care of children and young people lies in improving their mental and social well-being. As maternity and child welfare clinics together with the school health-care system cover nearly all children and all families, their staff should be given more training to monitor the psychological and social development of children and to provide support to their families. Training should be extended to the professionals in adult psychiatry and in the treatment of substance abusers to help them bear in mind the welfare of their adult clients and the principle embodied in the Convention: pre-eminence of the best interest of the child.

387. Some 2,500 children and young people receive hospital treatment every year for psychiatric reasons. Two thirds of them are treated in wards other than those specializing in child psychiatry; of the children between 15 and 17, more than half are placed in adult wards. The current situation is not in conformity with the Convention or the Mental Health Act, which both require that a child is treated primarily in a ward for children, unless his or her interest requires otherwise. This situation can be now remedied more easily because in adult psychiatry, long-term treatment of adults is used less and less, which releases resources for other purposes.

388. There is a high standard of treatment in child psychiatric wards - the use of medication is rare, and communication between adult and child is given a central role. Considerable importance is attached to the treatment of the

entire family. This is an approach for which Finland has good resources, including a network of a great number of well-trained family therapists.

389. Open care services in child psychiatry are largely given by family welfare centres, but are also provided by hospitals in their psychiatric wards for out-patients. To some extent, this division is felt to be a problem in the provision of psychiatric services for children.

Sexually transmitted diseases, contraception and pregnancy among young people

390. The age of starting sexual relations has been steadily declining for the past decade, especially for girls. In the 1980s, about 20 per cent of the adolescents had sexual intercourse for the first time when under 16, and about 50 per cent by their eighteenth birthday. A study on teenagers from 1992 found that 30 per cent of the girls of 15 and 16, and 20 per cent of the boys had had sexual intercourse. While sexual relations among young people are now more common, there has been no considerable increase in sexually transmitted diseases; HIV infections in young people are rare. The number of unwanted pregnancies has decreased, which can be explained by the greater use of contraceptives in the 1980s.

391. The Abortion Act was revised in 1970. It permits abortion on request for 17-year-old girls on the grounds of age. Other grounds for abortion are medical and social. The fact of abortion is not disclosed to parents against a young person's wishes.

392. The number of teenage pregnancies (total of births and abortions) peaked in 1975, with 50 pregnancies and 21 abortions per 1,000 girls under 20. By the 1990s, the figures have almost halved: the respective figures for 1991 were 23.7 and 11.5. Finland has the lowest frequency of teenage abortions in the Nordic countries and one of the lowest in the western world.

393. The decrease in the number of abortions coincided with an increase in the use of contraceptives. Between 1981 and 1991, the use of the contraceptive pill by girls of 18 doubled and nearly tripled by girls of 16. In 1991, the pill was used by 41 per cent of the girls of 18 and by 18 per cent of girls of 16. The youth study also found that the condom is now used more widely by young people.

394. The Communicable Diseases Act requires doctors to report all instances of gonorrhoea, chlamydia, syphilis and HIV. The Act was revised in 1987; comparative data of the occurrence of sexually transmitted diseases are available from 1988 onwards. The number of cases of chlamydia and gonorrhoea has decreased somewhat. In 1991, there were 64 cases of chlamydia per 10,000 young people under 20; gonorrhoea was much less frequent. Syphilis is virtually non-existent in young people, and nine cases of HIV were detected in young people between 15 and 19 in the period 1980 to 1992.

Importance of education and prevention

395. Human relations and sex education have been part of the curriculum of the Finnish comprehensive school since 1980. It is integrated into a number of subjects from the age of 11 or so upwards. The school health-care personnel are involved in the education.

396. Young people have been a particular target group from the outset of an information campaign against AIDS directed by the Ministry of Social Affairs and Health. Part of this campaign are letters mailed, since 1987, to all 16-year-olds in Finland and containing information on AIDS and other sexually transmitted diseases, and on contraception. Every letter also contains a condom.

397. It is important for the promotion of the sexual health of young people to provide health services which are easily accessible. In Finland the services for young people are offered as part of the work of health centres, instead of giving them in separate clinics. The services of a school nurse and a doctor are available in schools.

398. The facilities of clinics for family planning and contraception are also available to young people. The services are free of charge to everybody, as are those of the school health-care system. Also, the clinics give the first contraceptive at no cost to the client, which means that young girls can obtain the pill free of charge for the first three to nine months.

399. Preventive information and support is given not only by the authorities but by non-governmental organizations active in the field of social welfare and health. Swedish-speaking young people in particular need these supplementary services which are available in their own language, because municipalities may not always be able to provide services in the minority language. An example of such services are four clinics for young out-patients where Swedish-speaking teenagers can obtain specialist attention both for serious disturbances and for everyday problems which are part of their development. The young people can also use the services of a gynaecologist and get advice for questions relating to contraception and to their physical and psychological development.

400. Information and prevention have proved useful ways of promoting the sexual health of young people in Finland.

Children's health and the environment

401. Accidents are the major threat to a child's life and health in today's Finland. They can be avoided by removing risks from the environment. Child welfare clinics inform parents of the prevention of accidents, for example of the use of safety devices to be attached to domestic appliances and of cycling helmets and safety seats for cars. Clinics also rent safety seats. There are a host of legal provisions for the prevention of accidents.

402. Products used for the care and safety of children are controlled under the Safety of Products Act. The Toy Decree sets the requirements for the qualities of toys and the information on packages. Consumer protection

authorities control the safety of toys through surveys, inform consumers, and receive reports of toys suspected of being dangerous to children. They maintain a register of damage caused by products, designed to pinpoint the products which cause accidents and to help focus control measures to them.

403. The use of industrial foods for children is widespread. Their quality is controlled by the Baby Food Decree; specific regulations apply to additives permitted in baby food.

404. Children's health is protected from environmental hazards by rules and procedures relating to such issues as the control of the uses of land, building, environmental and air protection, traffic planning, and traffic safety. Health and safety are further promoted by a number of rules controlling the building, maintenance and operations of play sites, schools, day-care centres and similar institutions.

The role of language in health-care services

405. Several studies and trial projects have found that the importance of services provided in a person's own language is accentuated in time of illness. Apart from showing caring and being a medium of communication, the use of a patient's own language increases his or her feeling of security and control over the situation.

406. The Act on the Status and Rights of Patients, National Health Act and Act on Specialized Medical Care all contain provisions which emphasize the importance of the use of patients' own language in health-care services. The right to treatment in their own language is guaranteed by law to the Swedish-speaking population. In practice, there are a lot of problems in this respect. The possibilities of children speaking minority languages to receive medical and health care in their own languages vary with their place of residence. The Swedish Assembly of Finland has emphasized that a patient should have a right to seek treatment, on grounds of language, in a municipality other than his or her own if the latter is unable to provide treatment in the patient's own language.

E. Social security and child-care services and facilities (arts. 26, 18)

Principles governing the social security of children and their families

407. A leading principle in the Finnish social security legislation is that every child should have an equal right to social security. The purpose of this principle is to guarantee that a child's rights are unaffected by his or her origin and by the form the parents have chosen for their life together. The formulation of the legislation aims to ensure that it makes no difference for the child's social security whether the parents are separated, married or co-habit; whether the child has one custodian or two; and whether or not he or she is an adopted or foster child.

408. Changes have been introduced in the Finnish legislation to the effect that the child's right to social security, just like the rights of other family members, is as independent as possible, and does not depend on such issues as the parents' situation in the labour market. Financial support for

families has been developed along these lines particularly through the child allowance system. The amount of child allowance is independent of the levels of parents' income and affluence. As of 1994, child allowance contains the benefits which were earlier given in the form of certain tax deductions relating to family policy and which were tied to the child's custodian and his or her income (for further details, see sect. F below). Ultimately, the child allowance system is not entirely child-oriented; the allowance is larger for families with more children and for single-parent families.

409. The current economic recession in Finland has increased pressure to modify the system of support for families to the direction of a means-tested system. This would weaken the child-oriented nature of the support system.

Child-care facilities for small children

410. In Finland, as in the other Nordic countries, children's lives are essentially influenced by the fact that very commonly both parents are employed outside homes. In 1991, 81 per cent of women with children under 18 belonged to the labour force. The significance for children of the labour-market participation of both parents is accentuated by the small proportion of part-time work, as compared to the other Nordic countries, for example. As it is quite usual that also parents with small children work full-time, the majority of Finnish children are cared for in day-care facilities outside their homes. This means that a large proportion of small children acquire an independent sphere of life outside their homes at an early age, before they start school.

411. In a situation where the parents of small children participate in the labour market, day-care facilities for children are at the heart of the social security extended to children. Day care for children has been the object of intensive development since the entry into force of the Day-Care Act in 1973. A new standard was reached in 1990 when parents with small children were given an absolute, statutory right, according to their choice, either to municipal day care for their child or to home care allowance. In the initial phase, that right applied to children under the age of three. Under the current legislation, in 1995 a similar right will be extended to all children under the age of four and, in addition, a right to municipal day care to all children below school age. However, the economic situation in Finland may jeopardize the implementation of this legislation as intended.

412. The parents' allowance scheme has become an essential part of society's support to the day-care arrangements for small children. In 1964 the maternity allowance period amounted to 54 weekdays, as compared to the present maternity and parents' allowance period of 263 weekdays. The first 105 are at present for the mother and the following 158 days either for the mother or father. In addition, the father is entitled to paternity leave for 12 weekdays. The amount of parents' allowance is determined on the basis of their earned income. Those without earned income receive a minimum allowance.

413. Through the system of child-care leave, the continuation of employment is guaranteed to parents who care for their children at home. Under this system, a parent can stay home to look after a child until the latter is three years old and then return to his or her former work.

414. Economic recession has affected the financial support of child-care arrangements quite essentially. An example is that a number of municipalities have reduced the number of places in day-care facilities out of proportion to the decrease, due to unemployment, in demand. The austerity measures are felt especially in afternoon care and playfield activities. Another effect of recession is that employment security, which is, in principle, safeguarded by the system of child-care leave, in practice no longer applies to everybody. As a result, not all families dare, for fear of losing their work, exercise their right to care for their child at home without termination of employment, although this right is guaranteed by law.

415. In the 1970s and 1980s when the day-care system was expanding, there was a considerable shortage of places in day care. At that time priority was given to children who needed day care for social and educational reasons. Translated into practice, this meant providing day care first to the children of low-income families and single parents. By the 1990s nearly all children under three had access to day care supported financially by society; they were either in municipal day care or received a home care allowance. Similarly, day care was available to almost all children beyond the age of three who were in need of day care, irrespective of their parents' income. Now that the economic situation has tightened and municipalities are reducing the number of places available in day care, the children of high-income families are the first to be excluded from municipal day-care services. There is a risk that the responsibility for day-care services and their expenses may again shift from the public economy to private economy.

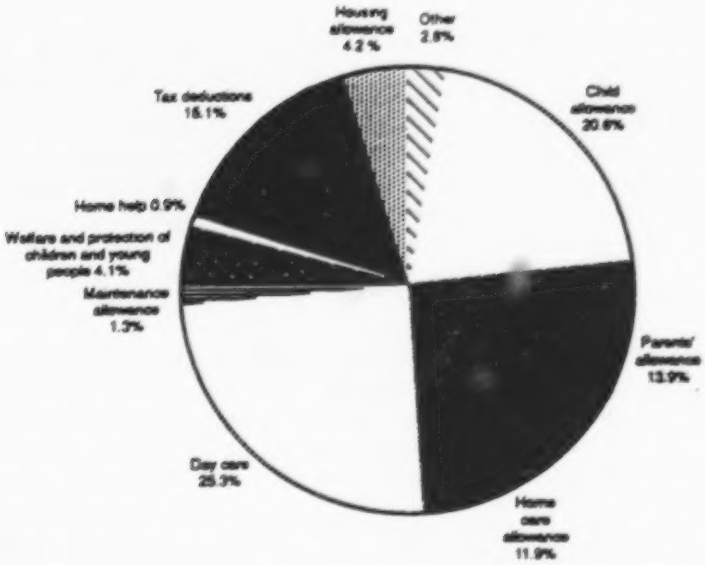
F. Standard of living (art. 27)

416. As regards their economic situation, families with children do not form a homogeneous group, but their standard of living varies greatly according to such factors as the number of children and the family structure. Families with one or two children which are supported by two custodians have, on average, the highest standard of living. While their economic situation has improved in recent years, children with families continue to have smaller disposable income per family member than have other households.

417. The key factor in maintaining a standard of living for families with children is work. Full-time work by one or both parents is more widespread in Finland than elsewhere in Western Europe. Income from paid work or business activities forms a major part of the income of families with children. Another source of income are transfers of income effected as family policy measures.

418. In the 1980s, the emphasis of Finnish social policy lay in the improvement of the position of families with children. The amount of financial support provided to them in various forms grew significantly. In 1992 it amounted to Fmk 27 billion, or 5.0 per cent of the gross national product. It was distributed as follows:

Distribution of financial support to families in 1992:



419. Children's living standards are illustrated by the fact that, more frequently than adults, children make up part of the fifth of the population with the lowest income. Of the children under the age of five, 28 per cent fall within the lowest income bracket, and 9 per cent in the highest income bracket. When children grow older, there is a slight improvement in the figures: of the children between 10 and 14, 22 per cent are in the lowest and 11 per cent in the highest income bracket. These figures are for 1990. Since then, the development towards more even distribution of income with respect to children has been slowed down considerably by the growing rate of unemployment, cuts in family benefits, and tax increases.

420. Under Finnish law, it is the child's biological parents who have primary responsibility for the maintenance of their child irrespective of whether or not the child was born in marriage and whether or not the parents live together. Every attempt is made to determine and confirm the paternity of non-marital children, thus placing, in principle, the father under an obligation to contribute to their maintenance (Paternity Act and Child Maintenance Act).

421. About 15 per cent of all children with families are single-parent families, with 12 per cent of all children living in them. The rate of divorce is relatively high, which explains why half the single parents are divorced. A tenth have become single parents following the death of spouse, and a third are unmarried.

422. In the past few years the rate of unemployment has risen rapidly not only for the population in general but also for families with children, thus undermining their financial situation. One child in five has direct

experience of unemployment as a result of a parent's loss of work or his or her own. In the event of unemployment, there is a right to income-related unemployment allowance or to basic unemployment allowance. A supplement is added for children under 18.

423. Part of the cost of the care and maintenance of children is evened out by benefits paid by the State. The underlying idea is that children should not be a considerable financial burden to the family. The State therefore contributes to the general maintenance costs of children, those incurred by the care of small children, disability and illness of a child, as well as to the housing costs of low-income families.

424. The most important support scheme is child allowance, which is paid from the State budget towards the maintenance of children under 17. Child allowance increases in line with the number of children in the family. It is not subject to tax.

425. The family support system was revised at the beginning of 1994. It was simplified by abolishing the support previously provided in the form of tax deductions. The economies thus made were directed to the child allowance system in order to strengthen the child-oriented allocation of benefits and to discontinue the provision of benefits on the basis of custodianship. Also, greater efforts are made to target the support more specifically to families in the greatest need, such as those that have many children.

426. As of 1994, the amount of child allowance was raised by between Fmk 204 and Fmk 398 a month per child. Child allowance is Fmk 570 a month for the first child, Fmk 720 for the second, Fmk 910 for the third, Fmk 1,030 for the fourth, and Fmk 1,220 for the following children. Single parents are entitled to an additional Fmk 200 for every child. It is estimated that in its revised form child allowance covers about half of the average necessary expenses for a child, and even more in large families.

427. Due to the poor economic situation in Finland, benefits to all population groups, including families with children, have been cut. A comparison with the 1992 level shows that the end result of the abolition of the right to tax deductions and the increase of child allowance is Fmk 500 million less in support to families with children in 1994. However, at the same time housing allowance to families with children has been raised by Fmk 370 million.

428. The financial support to families with children in the form of tax deductions used to be considerable. Tax deductions were granted both on the grounds of custodianship and the number of children: child deduction and single parent deduction in municipal taxation and child care deduction and maintenance obligation deduction in State taxation. From the beginning of 1994, the revision of the family support system abolished the right to tax deductions, excluding deduction permitted on the grounds of maintenance obligation.

429. The parents are responsible for the maintenance of the child until he or she attains the age of 18. If the child does not have two custodians or either custodian neglects to maintain the child, he or she is eligible for maintenance allowance. The purpose of maintenance allowance is to safeguard

the child's right to sufficient maintenance. In 1994 maintenance allowance amounts to Fmk 606 for a child per month. If a parent who is the sole provider of his or her child has remarried or cohabits, the amount is Fmk 469 a month.

430. The purpose of survivors' pension is to secure the maintenance of the family after the provider's death. Survivors' pension is paid to the surviving spouse and minor children. A child's entitlement to survivors' pension usually terminates at the age of 18, but may continue until the age of 21 if the child is a student. In 1992, survivors' pension to a child amounted, on average, to Fmk 1,400, which was enough to cover the necessary expenditure incurred by a child. The amount of pension is related to the deceased parent's income. For a child, a minimum of Fmk 600 a month is paid. Roughly 2 per cent of children were recipients of survivors' pension in 1992.

431. In Finland, housing costs are quite high. By providing financial support for families towards the cost of housing it is hoped that the standard of housing can be raised and an adequate supply of appropriate housing can be ensured. Forms of housing support available to families with children are housing allowance, support towards interest on loans made by the State Housing Board, and tax deductions.

432. Housing allowance is intended to level out the housing costs of low-income families by meeting from State funds part of what is considered reasonable housing costs. The amount of housing allowance depends on the size, income, and housing costs of the family, on the age and size of the housing and on whether the family owns or rents it. Housing allowance only covers part of the housing costs. In 1992, housing allowance was paid to approximately 19 per cent of families with children.

433. From 1993, the criteria for housing allowance were changed leading to a decrease in the number of recipients and in the amount of allowance. In 1994 the level of housing allowance for families with children was restored to the 1993 level.

434. As in other European countries, persons and families whose income is not enough to ensure them an adequate standard of living are entitled to basic income in the form of strictly means-tested income allowance. As the income allowance scheme is a last resort, which serves to fill the gaps in the social security system as a whole, the statistics on the recipients illustrate the level of success of the rest of the social security system. In 1992, income allowance was paid to some 11 per cent of families with children. Single parents are in greater need of maintenance allowance; in 1992, 27 per cent of single parents received maintenance allowance, as opposed to 8 per cent of families with two custodians.

435. The risk of having to apply for income allowance clearly rises with an increase in the number of children; 18 per cent of families with four children or more were recipients in 1992. The corresponding figure for single-parent families was 50 per cent. What these figures say about the system which is designed to spread the costs more evenly is that only part of the expenditure incurred by children is met with the support of society, and with an increase in the number of children the share to be paid by families themselves rises

sharply. After 1992, Finland's poor economic situation and the high rate of unemployment have contributed to the number of recipients of income allowance.

G. Provision of benefits and services

436. The subject is discussed in sections A and B above.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

The Finnish education system

437. Children have a right to receive comprehensive school education free of charge. This right is guaranteed by the Constitution and the Comprehensive School Act, which both also provide for compulsory education for all Finnish children (Constitution Act, art. 80, and Comprehensive School Act, art. 32). No one is exempt from compulsory education; even severely handicapped children receive training for every-day life in special units maintained by the social welfare services.

438. Following the Second World War, the aim of the Finnish educational policy has been to raise the general level of education and to promote equality among children and young people. Efforts have been made to create equal opportunities for all children irrespective of place of residence, sex, language, and financial situation of parents. To this end, a comprehensive school system (peruskoulu) covering the entire country was created in the 1970s which is free of charge for the pupils and for which the basic features of curriculum are established nationwide.

439. Special education is regulated mainly in the Comprehensive School Act and Comprehensive School Decree; supplementary provisions exist in such legislation as the Act on the Special Care of the Handicapped and the Act on State Special Schools. Special education is provided to children who, due to a handicap or retarded development, are unable to accomplish the comprehensive school curriculum, or who, because of an emotional or other disturbance, do not adjust to the comprehensive school. Special education may be provided at school, at home, or in any other suitable place. The Act on the Special Care of the Handicapped provides for training to the handicapped before school age. According to the Comprehensive School Act, compulsory education for children with disabilities begins at the age of 6 and takes 11 years.

440. As a rule, children start school in the year they attain the age of 7. Compulsory education continues for 10 years or until the completion of the comprehensive school curriculum. Children have the right to attend comprehensive school even after the age of 16, until they turn 18 or, by special permission, even later.

441. Children resident in Finland who are of school age but who are not Finnish citizens have the right to attend comprehensive school or to receive similar education. For special reasons, children living abroad who are of school age may be accepted to a Finnish comprehensive school.

442. On completing the comprehensive school all young people have the possibility to pursue further studies. Vocational and professional education and upper secondary education are regulated by specific laws. More than half of each age group pursue further studies in the upper secondary school which provides general education, and some 40 per cent leave comprehensive school to study in vocational and professional institutions. Also a number of those completing upper secondary school continue studies in vocational and professional institutions, which have separate programmes for them. Depending on their field, vocational and professional institutions provide education on two or three levels.

443. The upper secondary school ends in a matriculation examination, which is a prerequisite for the university. Studies at the university are also possible for students who instead of having completed upper secondary school have a certificate from a higher vocational or professional institution. Universities reserve these students a quota of 5 to 15 per cent of students admitted to universities. In addition, the international baccalaureate and Reifeprüfung qualify for university, as does education completed in any other country in accordance with the Ministry of Education instructions and which qualify for university in that country. Approximately 70 per cent of each age group qualify for university. As, in general, no fees are charged for education, students have good opportunities to pursue higher studies.

444. To raise educational standards and increase diversity polytechnics have been introduced on an experimental basis. Cooperation between the various forms of educational institutions is being intensified in order to allow for greater choice in study programmes.

445. All fields of the education system have undergone expansion and reform in recent years. Educational opportunities have been increased and expanded geographically. The primary aim is enhanced equality in guaranteeing that students have an opportunity to receive education fulfilling the same standards irrespective of the students' background and place of residence. Vocational and professional training have been developed to correspond to the existing occupations and professions.

446. Primary and post-compulsory education have been able to ensure equality to a fairly high extent. In the educational reforms of the 1970s and 1980s a central goal was to offer the same schooling opportunities to all students and particularly to those who had a less-advantaged background. Nowadays the majority of those between 7 and 19 pursue studies. Fewer than 1 per cent of children of school age are not covered by the comprehensive school education. Of children completing comprehensive school, 90 per cent immediately undertake studies at the post-compulsory level. With the expansion of educational opportunities, the general level of education, especially among young generations, has risen.

447. The scope of educational opportunities meets international standards, and the structure of the education system corresponds to the general trends in OECD countries. In the further development of the system, the principle of continuous education will receive special attention, with the purpose of raising the level of education, reforming contents and providing greater

choice and attention to individual needs. It is important to target education in such a manner as to alleviate the effects of the prevailing unemployment.

Responsibility for the provision and costs of education

448. Municipalities have an obligation to provide comprehensive and upper secondary school education to children living in their areas. Most comprehensive schools and upper secondary schools are maintained by municipalities. Likewise, the majority of vocational and professional schools are maintained either by municipalities and municipal federations (54 per cent) or by the State (34 per cent). On average, 70 per cent of the costs incurred by comprehensive schools, upper secondary schools and vocational and professional institutions are shouldered by the State; the rest is paid by municipalities.

449. Universities are maintained by the State and do not charge fees to students, just as any other institution of learning maintained by the State gives instruction free of charge. In comprehensive schools and vocational and professional institutions, books and meals are free; in other institutions students pay for them.

450. As a result of the economic recession, the education system has been forced into heavy cuts in expenditure. A large proportion of the austerity measures has affected children and young people.

Study and career guidance

451. All students at comprehensive and post-compulsory levels are entitled to receive counselling for their studies, and the curricula emphasize the importance of individual guidance. Lately, it has been the schools themselves who have assumed the main responsibility for study guidance, whereas the labour administration provides services to adults and the unemployed.

452. Municipalities and schools choose their own ways of providing guidance. The standard therefore varies: some students receive adequate individual study guidance; in other schools the services to students have been cut recently. Similarly, there is variation from one municipality to another in the provision of other services designed to support students. Young people may also receive career guidance free of charge from labour authorities. This includes information about entrance requirements and career opportunities. They receive help in ascertaining their aptitudes and advice in choosing a career, planning studies or changing careers (Act on Career Guidance, arts. 1 and 2).

453. In 1992 nearly 45,000 clients received career guidance from employment offices; some 30 per cent of them were between 15 and 19 years of age. Of these young people, nearly one third were studying in the comprehensive school, another third in the upper secondary school, and a little over a third had registered with the employment office and were looking for work. Some half sought career guidance on their own initiative, and the rest had been referred by a teacher responsible for career guidance or by employment office

staff. Of the young people who received guidance, 85 per cent chose to undertake studies and only 6 per cent (790) decided to try to enter the labour market.

Student welfare

454. Schools and other learning institutions have created student welfare teams with the task to intervene and to prevent further difficulties in the case of students who, for example, have problems which might lead to their leaving school without finishing. Another task for the teams is to develop cooperation between homes and the school, guidance for students and any other measures which help to create conditions conducive to successful studies. A recent development however is the reduction of services for slow learners. In particular, the activities of school social workers and psychologists were cut by more than a third from 1990 to 1992, although an amendment to the Child Welfare Act required that such activities receive more resources from 1990.

455. The volume of study opportunities is designed to guarantee that all students who have completed compulsory education have a possibility to study on the post-compulsory level. Despite study guidance, 7 per cent of young people do not apply for further education, and some leave school without finishing their education. These young people become easily marginalized in the labour market. In order to support them, new school forms have been introduced, including schools combining workshops, which have a curriculum with less theory and a considerable amount of practical work aimed at teaching the students enough skills for an occupation.

B. Aims of education (art. 29)

456. The legislation on the comprehensive school, upper secondary school, and vocational, technical and professional institutions defines the aims of the education provided by those schools. The aims emphasize the requirements for growth and development, development of all aspects of personality and of social responsibility, protection of the environment, respect for national culture, internationalism, and equality.

457. In the comprehensive school, education and teaching must be provided in accordance with the age and abilities of the pupils (Comprehensive School Act, art. 3). In special education, the teaching and, if necessary, the study requirements must be adapted to the abilities of the pupils (art. 40).

458. New national criteria for the curricula of comprehensive schools and upper secondary schools have recently been adopted, taking into account the above educational aims. Using these criteria, municipalities draw up a curriculum for each school and, where necessary, for individual pupils. It is important that account of the aims expressed in the Convention is taken when curricula for schools are established.

459. The criteria for the curricula stress the active participation and role of pupils. To this end, it has to be possible to draw up individual study plans, to take into account such things as each pupil's talents, hobbies and learning difficulties. The purpose is to give the pupils an idea of the

different sources of information and an ability to search and produce new information as well as to assess whether the information is correct.

460. The State strives to look after immigrant schoolchildren. Municipalities receive a grant to provide teaching in their mother tongue and in Finnish or Swedish as a second language, teaching in preparation for regular studies, and other remedial courses. Comprehensive schools and upper secondary schools are free to teach children in groups according to a foreign language. It is considered important that children in linguistic and cultural minorities can improve the knowledge of their own language in the school and that the school promotes their growth and development into active members of their own cultural community and Finnish society.

461. In practice, an immigrant child who speaks a foreign language is often placed in a classroom where nobody speaks his or her language. In this case the child has poor prospects of adjusting to the classroom and learning. Refugees and asylum seekers are offered preparatory classes, studies in their own language and in Finnish or Swedish. It depends on the initiative of the municipality and the school whether or not other immigrants have an opportunity for similar studies. All children speaking foreign languages should be treated equally in this respect.

462. Children who have moved to Finland before reaching school age should receive instruction in languages. This would bring their ability to go to school and learn to a level as close as possible to that of their Finnish classmates.

463. A great deal of attention has been given to education for international understanding in recent years through thematic teaching, student exchange, visits and foreign classmates. Part of this education is an annual, nation-wide fund-raising drive in which pupils in the upper stage of the comprehensive school and in the upper secondary school may participate through a day's work; the money thus raised goes to promote the education of children in developing countries.

464. In an attempt to promote multiculturalism students and their parents from various linguistic and cultural minorities are used in the teaching of various subjects by inviting them to bring their special knowledge of the nature, languages, ways of life and cultures of their country and continent. Another aspect of studies in multiculturalism are school days and weeks devoted to particular cultures, which aim at promoting tolerance to linguistic and cultural minorities.

465. Environmental studies have been part of the curricula of schools for a number of years. This is also evident from the opinions children and young people give on environmental questions - they often reveal a concern for the common future of our globe.

466. Private schools exist in nearly all sectors of education, and they are subject to supervision and the same minimum standards as public schools.

C. Leisure, recreation and cultural activities (art. 31)

467. Several laws guarantee children the right to rest and recreation. An example is the Young Employees Act, which restricts work by children under 14 mainly to cultural events, and even so subject to permission and a number of other restrictions. The possibility of children who are of school age to work is severely restricted by law, and special provisions are in effect for employees under 18 (see chap. IX.C below).

468. Going to school requires concentration and effort. The Comprehensive School Act states that children start school in the autumn of the year when they attain the age of 7. On the basis of individual testing, a child may start school a year earlier or postpone it for a year.

469. Use of time studies show that leisure accounts for more than half of the waking hours of children between 10 and 19. They spend roughly a quarter of their free time with their friends and the same amount of time watching television. Children exercise and spend more time outdoors than do adults. Also, childhood is a time for experimenting with different hobbies and activities; studies indicate that activity steadily decreases with age. Another feature of activity is that in their early teens, children are active members of organizations and clubs.

470. While attending comprehensive school, that is, under the age of 16, children are very keen to spend time in various activities. Boys focus on different forms of sports and the related clubs. They also play other games: computer, video and TV games are their special favourites. In addition, they have a lot of time to watch television and read comics.

471. Girls of that age devote a great deal of time to culture: some of these activities are creative while other activities are receptive. Movies and concerts of popular music are typical pastimes. Girls engage in sports less than boys.

472. Cultural activities of a traditional kind have little importance for boys at this age. They develop an interest in culture at a later age than girls; and when they do, it lies more in the visual forms, such as films and art shows, rather than literature. Playing a musical instrument increases at teen-age: boys prefer popular music.

473. Children and young people are the most active population both as consumers and as non-professional creators and producers of culture. Two out of three of those under 18 play an instrument, sing, draw, act or dance; are, in other words, creative in a form of art. The most popular activity is music. One in 3 sings in a choir or a band, takes singing lessons, or plays an instrument. Playing is at its peak in popularity for the age group from 10 to 14; some 60 per cent of girls and 40 per cent of boys play an instrument. One out of four of the boys playing and half the girls take classes either privately or in one of the music schools.

474. Visual arts (drawing, painting, sculpture) is a hobby for one out of three. The most active group is girls between 10 and 14. Photography and videography are among the interests of one person out of five.

Some 15 per cent are or have been members of a theatre club or an amateur theatre group. Girls take a keener interest in the theatre than do boys.

475. Children are avid readers, girls more so than boys. The largest amount of time is spent reading is by children from 13 to 15. Children are heavy users of public libraries; nearly everyone goes to library (see chap. V.E.). The cultural environment surrounding children is conducive to reading, as children get used to books at an early age in their homes. Parents buy and borrow books from the library for their children and also read aloud for them. Four out of 5 adults with children under 10 say they read aloud for their children. The positive attitude to reading is a probable factor contributing to the exceptionally high level of literacy among Finnish children and young people, something which has also been noted in comparative international studies at different times.

476. About 21 million copies of magazines for children and young people are delivered by post every year; this averages some 20 copies per child a year. Approximately two out of three at the ages between 10 and 19 read a teen magazine every month, 85 per cent of children from 10 to 14 read comic books every week. Comic books have, however, lost a great deal of popularity within the past decade to videos and computer games.

477. It is families with children who are the largest group buying and borrowing video cassettes. Watching videos grows in frequency with each younger generation. Similarly, the younger the children in a family, the more common it is that they have a computer. More than 60 per cent of families with children between 10 and 14 own a computer, and 97 per cent of those children use computers, boys more intensively than girls. By far the most popular use is playing games, but quite frequently computers are used to write, compose music and to create graphics. In particular, computers have helped to lower for boys the threshold of engaging in creative interests.

478. Two out of three children between the ages of 10 and 14 participate in the activities of one or more organizations, and one out of two in the age group 15-19. The most popular organizations are those for sports but other free-time organizations also attract a great many children. In the past 10 years, their participation in the activities of organizations has increased visibly. While ideological associations and organizations have declined in popularity, involvement in sports clubs and organizations has doubled. Sports, whether organized or not, is a very common pastime: some 90 per cent of children and young people engage in one form of sports. Children's favourites are cycling, swimming and jogging.

479. In 1979 - the United Nations Year of the Child - the Committee for Children's Culture established by the Ministry of Education submitted a report which provided a wide-ranging assessment of the condition and goals of children's culture in Finland. The overall purpose of the report was to focus the attention of decision makers, authorities and parents on the state of children's culture and on the need to promote it. The assessment and proposed measures contributed greatly to the promotion of children's culture; many proposals subsequently led to concrete action.

480. One of the proposals was to make annual provision in the State budget for the promotion of children's culture. The first grant, for 1982, was Fmk 150,000; in the 1993 budget the amount was Fmk 700,000.

481. Another proposal resulted in 1987 in the creation within the Arts Council of Finland of a section devoted to children's culture. The section has mainly worked to make proposals and give opinions on various projects relating to children's culture. Every year the section submits proposals to the Arts Council for the allocation of grants and for the recipient of the annual State award for children's culture. The section receives every year about 350 applications from artists in the field.

482. The section is preparing a national directory of children's culture, designed to serve those active in the field of children's culture. The directory, to be issued both in print and in a computer version, was due for publication in 1993.

483. Administrative responsibility for the promotion of children's culture lies with the Ministry of Education, more specifically with the respective Departments of Culture, Schools, and Sports and Youth. As regards the cultural activities of schools, it is the National Board of Education that carries the main responsibility. On the local level, the administrative responsibility is with the municipal bodies for culture, schools and youth, while the practical work is mainly carried out by the various non-governmental organizations, associations and other institutions which are often subsidized by the State or the municipality.

484. It is the duty of the Department of Sports and Youth in the Ministry of Education to ensure the future possibilities for activities for and by children and young people. Proceeds from Oy Veikkaus Ab (the national betting and lottery company) are used to make grants for youth work that provide a framework for the activities of municipalities and organizations. About 30 per cent of the work of organizations involved with young people in their pre-teens are covered by State grants.

485. The possibilities for children to participate in the cultural life and arts have been gradually improved since the late 1960s. In the 1980s, the number of art schools grew, curricula were established for them to observe, and the State grants system was introduced. In the years of economic boom in the 1980s municipalities also became economic supporters of children's culture. Art schools are mainly for children and young people. They give classes in a particular art form for one to five hours two to three times a week after regular school hours. Many more children would like to enrol than can be admitted.

486. In 1990 there were 350 art schools, with nearly 85,000 pupils. It is estimated that, all institutions for arts education included, some 10 per cent of children between 3 and 16 are enrolled in basic education in arts. The goal by the year 2000 is to raise that figure to 30 per cent.

487. A network of schools for visual arts to educate children and young people was created in voluntary joint projects by professionals of visual arts and parents in the 1980s. Schools now number 80, including 11 Swedish-speaking

and bilingual schools. Each school has a voluntary support group, which receives grants from public funds. Discretionary grants for schools for visual arts were removed from the State budget from 1993. Now the schools are financed as part of primary education in the arts, and decisions on the funding are made by the municipalities.

488. As was the case with art schools, the number of music schools increased in the 1980s and the quality of teaching improved. Now Finland has about 140 music schools providing education at different levels. Of them, 62 were recipients of State grants in 1991. There are 14 Swedish-speaking music schools, 8 of which receive grants from the State. In 1991, some 35,000 children studied at State-subsidized music schools (music nurseries, music schools and music institutes).

489. The majority of pupils in music schools are children and young people of school age. Music teaching at an early stage is given in music nurseries which are associated with music schools. Compared with other art schools, music schools have developed at a more rapid pace, because they have been regulated by law since 1968.

490. Civic and workers' institutes formerly taught adults but now they may give classes in arts and skills to persons under 16 as well. In 1991, nearly 60,000 children under 16 received instruction in the arts in some 250 institutes. Of the institutes, 30 are Swedish-speaking or bilingual. In addition, a number of art clubs give their members guidance and classes and arrange opportunities to perform.

491. Children's and teenagers' theatre received special attention in the 1980s. In the early 1990s, there were 13 theatre groups for children and young people, including 1 in Swedish. Their annual State grants rose from 1 million to 10 million over a period of 10 years. The positive trend continues as, with the entry into force of a new law, a number of the theatres became recipients of State grants in 1992.

492. In 1992, an act regarding primary education in the arts entered into force. It is of major importance to the cultural education of children and young people. Primary education in the arts refers to regular, continuing and progressive teaching of the arts to children and young people. Its purpose is to support the pupils in developing their personality, to give them a knowledge of the various forms of art, and to teach them skills to express themselves. At the same time, the education gives them a better opportunity to be admitted to and study at professional art schools.

493. The National Board of Education has confirmed the criteria for the curricula of primary education in the following arts: music, dance, visual arts, theatre, handicrafts, writing and circus. The main responsibility for providing basic education and establishing local curricula rests with municipalities.

494. A number of options are open to a municipality in providing primary education in the arts, including the use of school clubs, civic and workers institutes, day care centres run by the Churches, private and municipal art schools, cultural organizations and other non-governmental organizations.

495. Since the beginning of 1993, municipalities have been entitled to State grants for primary education in the arts. The provision for 1993 was Fmk 17 million. More than 75 per cent of the municipalities have registered their willingness to provide primary education in the arts.

496. An essential part of the financial support for children's culture goes to municipal libraries, which exist in every municipality and which in larger municipalities serve clients in more than one locality. Of the borrowing, more than 40 per cent are children's books, and some 15,000 events for children take place in libraries every year (see chap. V.D).

IX. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

497. In Finland, persons who meet the definition of the Geneva Convention relating to the Status of Refugees are regarded as refugees. Refugee status can be obtained by seeking asylum in Finland. The crucial factor in the assessment of an application is whether the asylum-seeker is likely to be persecuted if returned. In such assessment it makes no difference whether the applicant is an adult or a child.

498. The United Nations High Commissioner for Refugees (UNHCR) looks after some groups of people who are in need of international protection while not being refugees under the Convention. In everyday speech, they are also referred to as refugees. Those foreigners who have received a residence permit on the grounds of needing protection are in many ways in a position comparable to that of refugees. The criteria for issuing a residence permit are unaffected by age, and a permit can be granted to a child in cases where it is considered that he or she cannot safely return to his or her country of origin or country of departure. Even where this criterion is not filled, a foreigner who has entered the country may be granted a residence permit for well-founded humanitarian reasons. In such situations, the view expressed in the Convention on the Rights of the Child of the best interest of the child is an important factor deserving to be taken into consideration.

499. As was seen above, Finland can grant asylum to a foreigner who has found his way to the country. In addition, Finland receives both refugees on the proposal of UNHCR in a quota set by the Government and other people suffering in emergencies when so proposed by international humanitarian agencies.

500. Currently Finland has some 8,000 refugees or persons with a comparable status and some 2,000 asylum-seekers. The State is responsible for the reception of refugees and asylum-seekers. An asylum-seeker is first placed in a reception unit for interrogation. The reception units are run by the Finnish Red Cross Society. At present there are four such units.

501. After interrogation, the asylum-seeker moves to a reception centre to wait for a decision. Reception centres, 18 in all, are scattered around the

country and run in part either by the State or the particular municipality, and in part by the Finnish Red Cross. The expenses of all reception facilities are paid from the State budget.

502. The reception centre provides asylum-seekers, if necessary, with the necessary social welfare, health care and other services. Families with children are directed, whenever feasible, to centres with facilities for children.

503. If an asylum-seeker receives a positive decision, the provincial government in the area where the reception centre is located places the asylum-seeker as a resident in a municipality in that province without delay. If the decision is negative and the asylum-seeker does not appeal it, he or she has to leave the country.

504. Refugees who have entered the country on a quota are placed directly in the municipalities which have decided to receive refugees. As regards reception of refugees, municipalities are in a key position, because each person residing in Finland is a member of a municipality and it is the municipality of residence which normally provides the services provided by society.

505. In practical terms, the measures relating to the reception of refugees are carried out by municipalities which have concluded a contract with the State on their reception; these municipalities are reimbursed by the State for reception costs, as a rule for three years. Reception of refugees is non-mandatory to municipalities. Currently about a fifth of the municipalities have received refugees.

506. On receiving refugees, a municipality undertakes to provide them with housing, social welfare and health care services, and free-time and cultural services. At the reception stage, the municipality also has a duty to ensure refugees the use of interpreter, guidance in everyday routines, and classes in Finnish and civics. As a permanent resident in a municipality, a refugee is usually entitled to the same level of social security on an equal footing with other residents in that municipality. Residents in a municipality have a right to social security and health care services; consequently, that right is accorded to refugees and asylum-seekers who have a right of residence in Finland.

507. While a decision on an application for asylum is pending, residence is considered temporary, and the asylum-seeker does not have resident status. He or she is entitled to first aid and similar medical treatment but not to long-term health care. Criteria for the provision of long-term health care to an asylum-seeker are the presumed duration of stay in Finland and urgency of the need for medical attention. Mothers and children who seek asylum in Finland are usually entitled to medical examinations and vaccination programmes by maternity and child welfare clinics and to hospital care at the time of delivery. In situations requiring urgent measures, such as child protection, the right to social welfare services is extended to apply to asylum-seekers. They are provided by the child's municipality of residence.

508. Children of school age start school at the level corresponding to their age or abilities. School education is provided by municipalities either in separate groups or in regular classes. Introductory classes are given separately for refugee children provided that a minimum of four children participate. Children have the possibility to learn their own language and to remedial studies. Children who have applied for asylum start school while waiting for a decision.

509. Refugee children and children with comparable status have an opportunity to participate in summer camps for 10 days to improve their own language. The instructors at the camp belong to the same ethnic group as the children, and the programme centres on their culture and language.

510. A refugee child below the age of majority who has entered the country accompanied by an adult other than his or her parents is placed in a reception centre together with the accompanying adult, if close family ties exist between the two and the adult has a strong sense of responsibility for the child. If an unaccompanied child has arrived in or has been brought to Finland, or if the accompanying adults are unable to look after the child, he or she is placed in a home type of care unit for asylum-seeking children. One reception centre has such a unit and three Finnish towns have units for children who have received residence permits or arrived on a quota. As far as possible, children are placed in the units according to their ethnic group. The purpose of these units is to ensure children the possibility to maintain contacts with their ethnic group, language, culture and religion. Whenever possible, a worker from the same ethnic group is employed in the unit.

511. The staff of the unit guide the children to integrate into Finnish society, ensure that they go to school and look after their social, physical and mental well-being. Care in the unit is paid from the State budget till the child reaches the age of 18.

512. Asylum-seekers who are minors face difficulties in safeguarding their interests in the asylum process, including interrogations and consideration of the application. While a decision is pending, stay in Finland is temporary and no measures are taken to appoint a custodian for the child. This would be difficult, because in many cases the location of parents is unknown or there is little chance to contact them. Also, it is unclear which country's law to apply to the appointment of a custodian in a particular case. Instead, measures are taken to appoint a trustee to ensure that the application is processed and to settle the custodianship of a child who has received a residence permit.

513. Currently, legislation is being prepared on the reception of refugees and asylum-seekers. It will contain provisions on the appointment of a representative for unaccompanied children below the age of majority. A representative will have duties which are more wide-ranging duties than those of a trustee but not equal to those of a custodian.

514. When an unaccompanied child who has arrived on a quota or as an asylum-seeker has obtained a residence permit or refugee status in Finland, a court appoints him or her a custodian. This is usually the adult close to him or her who accompanied the child to Finland. If it is not a close or a

functioning relationship, a suitable and willing person from the same ethnic group is normally appointed. In the absence of such a person, a Finn may be appointed.

515. If a child has arrived in Finland on a quota or received a residence permit or refugee status in Finland, he or she has a right to be reunited in Finland with the parents and the siblings who have not attained the age of majority and are unmarried. Adults have a right to be reunited with their spouse and minor, unmarried children. Rules allow entry into Finland also to other relatives, if aided financially by an individual, an association or similar. In this way, a child may be reunited with those relatives who are part of the extended family as seen in that culture (Council of the State Decision on the Reception of Refugees and Asylum-Seekers 1607/92).

516. If a minor has arrived unaccompanied on a quota, application for family reunification is initiated by the municipality receiving the child. In the case of an asylum-seeker, it is the reception centre which starts tracing the parents of an asylum-seeking child while decision on asylum is still pending.

Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

517. The Finnish State makes annual financial contributions to UNHCR and UNRWA. Finnish NGOs, such as the Finnish Red Cross, Finnish UNICEF Association and Finnish Lutheran Church, raise money to help children in refugee camps.

518. Finland adheres to the UNHCR principle that children are evacuated only in situations where evacuation is the only option. In evacuation, the circumstances and procedures should in every way guarantee the best interest of the child. Submissions Nos. 1 (of 13 August 1992) and 2 (of 16 December 1992), made by UNHCR and UNICEF, are followed in the event of evacuation. These submissions instruct that the primary objective of assistance and support is to help families to be together and to remain in their home country. If evacuation is undertaken, families must be allowed to stay together. If children have to be evacuated without parents, the UNHCR/UNICEF requirements for organization, reception, care and family reunification must be fulfilled.

519. Since 1993, Finland has been receiving wounded persons from former Yugoslavia, including children. Every wounded person arriving in Finland has a right to be accompanied by someone, whether a close family member or other person acting in support of him or her. The wounded are treated in hospitals, followed by rehabilitation, if necessary. Both they and the persons accompanying them receive a residence permit for six months which entitles them to temporary protection. The treatment and the services they receive are equal to those afforded to asylum-seekers residing in Finland. The residence permit may be extended, depending on the progress of treatment and the situation of the country of origin. To date, some 30 wounded persons have arrived in Finland, including four children or young persons.

B. Children in conflict with the law

520. In 1991, some 60,000 children under 18 were suspected of having committed crimes. Typical crimes were theft and malicious damage to property as well as unauthorized use and appropriation of motor vehicles. In the past 10 years, the proportion of young people and minors (persons under 21) of those suspected guilty of crimes has decreased by a third. In 1991, the proportion of all suspects was 20 per cent, and the proportion of persons under 18 was 8 per cent.

521. Minors are on average brought before a court less often than adult suspects. In 1991, of all cases before a prosecutor, 75 per cent were handed over to courts. Sanction of one kind or another was imposed on some 27,000 minors. That figure represents distinctly less than half of the crimes where young people were suspected offenders. In about 2,000 cases, a decision was taken not to prosecute or sentence the person in question. The usual grounds for so doing were that the particular crime was less serious; the young age of the offender was cited as grounds in no more than 100 cases where no charges were filed.

522. In 1991, an unconditional prison sentence was imposed on 400 minors, most of them boys. The average length of prison sentence was four months. An unconditional prison sentence was given to 1,700 persons under the age of 18, 95 per cent of whom were boys.

523. In 1992, a total of 4,500 young persons were apprehended. Of them, 1,300 were arrested, and 134 imprisoned.

The administration of juvenile justice (art. 40)

524. A basic principle of Finnish criminal law is that no person may be punished for an act which at the moment of commission is not punishable under law. This principle also applies to children, as stipulated in the provision on equality in article 5 of the Constitution Act. Another unwritten basic principle of the Finnish legal order is that a person must be presumed innocent until a competent court finds him or her guilty.

525. The minimum age for criminal liability is 15; children below that age cannot be arrested or imprisoned. A child who has attained the age of 15 can be arrested and imprisoned subject to conditions under law. No person may, however, be arrested or imprisoned if this is unreasonable for such reasons as the suspect's age (Act on Coercive Means, arts. 3 and 8). If a crime was committed by a person between 15 and 20 years of age, he or she is regarded as a young offender to whom a number of special provisions apply.

526. In pre-trial investigation of an offence, no suspect who is under 18 may be interrogated without witness, and the Child Welfare Act requires that a representative of the Municipal Social Welfare Board should, as a rule, be present. If a child under 15 is to be interrogated, his or her custodian or legal representative must be given an opportunity to be present; the same usually applies to the interrogation of those between 15 and 17. Deviation

from these rules is, however, permitted, if the detection of a crime requires that the child be interrogated without delay (Act on Coercive Means, art. 30; Child Welfare Act, art. 15).

527. Studies show that it is very rare for social welfare authorities to be present in interrogations of children and young people. Authorities commonly feel that their role in police interrogations is undefined, and consider their presence superfluous, especially in cases where parents are present. Similarly, parents are relatively seldom present in interrogations, and less often in cases of recidivism.

528. The law States that in pre-trial investigation children must be treated in accordance with their age and level of maturity. Special care should be taken not to cause them undue harm in the school, workplace or any other milieu important for them (Decree on Coercive Means, art. 11).

529. If a juvenile offender is, on reasonable grounds, suspected for an offence which carries a custodial sentence the official responsible for the pre-trial investigation must ensure that a personal history investigation is carried out by a social worker. The investigation report is used to provide the court with information about the child's background and life situation. The report is made on a form approved by the Ministry of Justice.

530. At best, the personal history investigation can give the social worker an opportunity to meet a young person who has taken to crime and who is in need of help. In practice, it serves as a channel of information to the court. The form currently in use has been criticized for forcing social authorities to pass to the court information detrimental to the child, because the form covers earlier offences and punishments.

531. In cases where a young offender has been imprisoned and is charged in criminal proceedings, a special provision applies to his or her defence. If the offender wishes to have counsel but is financially unable to retain a lawyer, the chairman of the court may appoint one. The counsel must be a person who practices law. In such cases, the judicial proceedings are free of charge to the accused (Act on Juvenile Offenders, art. 22.2).

532. The Child Welfare Act requires a representative of the Social Welfare Board to be present in proceedings where a person under 18 is charged with a crime. The court may order oral proceedings to be held behind closed doors.

533. Since the 1980s, illegal acts by minors have been settled using a conciliation procedure. This means that the offender and the victim or the person who has suffered damage meet face to face and agree on a settlement of the damages through work or in money. It is also possible that the content of the settlement is pardon. Conciliators are trained volunteers, although it is not uncommon for municipalities to assume the task of providing conciliation.

534. At the outset, the primary goal of conciliation was to enable the people immediately concerned with the offence and the parties to settle the problem without involving the official control mechanism. However, a recent study reveals that conciliation works best in those municipalities where facilities for it are provided by social welfare authorities and where police and social

welfare authorities have succeeded in creating procedures for cooperation. Even where the facilities are provided by social authorities, parties meet in the presence of a voluntary conciliator.

535. Solution of a conflict outside the official machinery is no longer seen as the main purpose of conciliation. Social workers now take the opposite view: it is beneficial to bring children and young people within the reach of help from authorities in a crisis which often results from a crime. This gives the authorities an opportunity to help and support the child in a comprehensive manner and to avoid further risk of the child running into conflicts with the law. Conciliation aims at allowing the child to develop a sense of accountability for his or her actions and thereby at promoting the child's social development.

536. Today conciliation is commonly seen as a very appropriate part of child welfare measures. The City of Tampere has run a successful experiment where voluntary conciliators carried out the duties of the Social Welfare Board with respect to young persons in police interrogations and judicial proceedings.

537. At the moment, consideration is given to the possibility of making conciliation mandatory. Because it is not organized to cover the country as a whole, conciliation is not available to everybody. It has a lot of advocates, however, and it is expected to expand and to become firmly established.

538. A question relating to conciliation as yet unresolved is its role in criminal proceedings. In 1990, prosecutors brought charges in approximately half the cases where the victim and the offender had reached a settlement on damages. Punishment was imposed in at least 60 per cent of these cases.

539. Article 15 of the Child Welfare Act requires a representative of the Social Welfare Board to be present in pre-trial investigation and court proceedings which enquire into a punishable act reportedly committed by a child. The Act allows exception from that rule only in cases where presence is manifestly superfluous. In addition, in advance of criminal investigations a personal history investigation is carried out by a social worker.

540. Most municipalities have practical difficulties in ensuring that the interests of the child are safeguarded in the above manner; it is not easy to find methods of social work appropriate to these cases.

541. Often young people whose development is at serious risk because of criminal conduct are placed in a reformatory school or other institution for child welfare which has a school. These institutions have developed working methods applicable to the comprehensive rehabilitation of children and young people. Each placement is preceded by careful preparation, involving the municipal social worker, staff of the institution, the young person and his or her family. The young usually enter the institution on a voluntary basis; only some 10 per cent of the young people initially object to the placement.

542. The institutions attempt to combine educational and treatment methods to help the young person. The work is carried out not only with the person in

question but also with his or her family. He or she stays in contact with the family, and efforts are made to find new solutions to issues considered problematic by the family.

543. Reformatory schools cooperate with psychiatric treatment units. The Province of Mikkeli is experimenting with a procedure whereby a psychiatrist refers young clients to a reformatory school in that area for psycho-social rehabilitation. Solutions to their problems are sought in a combination of educational methods traditionally used by child welfare institutions and treatments used in psychiatry. The purpose of this approach is both to avoid moving young people from place to place and to secure a place of treatment for those young persons who are beyond the helping capacities of units providing traditional care. The experiment has given encouraging results which may pave the way for the wider application of this approach.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c), (d))

544. According to law, a child or a young person may be deprived of his or her liberty in four cases:

(a) When he or she is arrested, imprisoned or given a custodial sentence or found guilty of a criminal act (applicable to children who have attained the age of 15);

(b) When he or she is subject to child welfare measures against his or her own will or against the parents' will (no minimum age);

(c) When a child is taken into care against his or her own will or against the parents' will (no minimum age);

(d) When, as a volunteer, a minor is performing his military service, and a disciplinary punishment is imposed on him confining him to barracks.

In all these cases, the exact conditions of and procedures for deprivation of liberty are regulated by law. The child's custodian and, beyond a certain minimum age, the child have the right to appeal a decision leading to deprivation of liberty to an independent court.

545. In 1990, Finland acceded to the European Convention on Human Rights, which contains relatively strict provisions on deprivation of liberty on penal grounds. Finland did not make any reservations in this respect. Prior to the entry into force of the Convention, Finland introduced essential changes in its legislation to bring it in line with the treaty provisions. This resulted in the introduction of a new act on pre-trial investigation and coercive means (Act on Coercive Means). The provisions and procedures applicable to the pre-trial investigation of young people are discussed above, in section B.1.

546. A custodial sentence imposed on a young person is carried out in a juvenile prison or a general prison, depending on the length of sentence and the discretion of the court. A person sent to a juvenile prison may be released conditionally after serving a third of the sentence, whereas

offenders in general prisons have to serve half (first-timers) or two thirds (recidivists) of the sentence before they are eligible for conditional release. The law requires that a young offender who is ordered to serve his or her sentence as an ordinary sentence of imprisonment be, as far as possible, kept separate from older prisoners who may exert a harmful influence on the young offender (Act on Young Offenders, art. 26).

547. When Finland was preparing to ratify the Convention on the Rights of the Child, the Ministry of Justice expressed the opinion that Finland should make a reservation with respect to the obligation contained in article 37 (c) to hold young offenders separate from other prisoners. The Ministry believed that, as expressed in the Convention, the obligation to separate the two groups of offenders was not sufficiently flexible for Finland to be able to undertake to respect it in each individual case. Following ratification by the Government without reservation, the Advisory Board for Prison Administration carried out a study on measures to fulfil the obligations under the Convention and to respect its spirit (Lapsen asema vankilassa (Children's position in prisons) Publication No. 7, Advisory Board for Prison Administration. Helsinki 1991. See also chap. II.A above.) The Prison Administration Department in the Ministry of Justice has issued guidelines for the placement of young offenders in prisons in order to fulfil the treaty obligations to a maximum degree.

548. Requirements and procedures for taking children into care involuntarily are discussed in chapter VI.C above. When a child or a young person has been placed in a child welfare institution, it is necessary to supervise and care for him or her. Care and upbringing entail prohibitions and restrictions which are part of ordinary and good practices of upbringing. In institutional care, however, no more restrictions relating to upbringing may be imposed on children than what is necessary for the purposes of his or her being cared for in the manner provided for in the Child Custody and Right of Access Act.

549. Fundamental and human rights belong also to children who have been taken into care. Fundamental rights and human rights guaranteed by international treaties may only be restricted by law. Some of the rights afforded to children under The Child Welfare Act are as follows:

(a) Right to personal integrity;

(b) Right to privacy and right to secrecy of mail and telephone conversations;

(c) Right to protection of property;

(d) Right to freedom of movement (substitute home may impose restrictions of ordinary kind);

(e) Right to meet persons close to the child.

550. Staff and directors of child welfare institutions do not have the authority of custodian or any right derived from the custodian's authority to restrict children's human rights. The Child Welfare Act has separate provisions on the conditions under which an institution may interfere with a

child's property, mail and personal integrity. Such interference is permissible only in cases where the child has, or is on reasonable grounds suspected of having, objects or substances endangering safety, and where the mail is presumed to contain such objects or substances (Child Welfare Act, art. 31).

551. In substitute care, the child's right to meet or maintain contact with persons close to him or her may be restricted on certain grounds. In accordance with the Child Welfare Act, some of the grounds are an obvious risk to the child's development or safety as a result of those contacts and risk to the safety of the parents, substitute family, other children in the institution and the staff. The procedure for imposing restriction is regulated by the law, and the decisions may be appealed to a court. Decisions to restrict contact are not common. In 1992, 17 appeals against such decisions were submitted to provincial courts.

552. Other forms of restriction that may be imposed on a child is a prohibition to leave the grounds of the institution or to restrict movement, if the child behaves in such a manner as to seriously risk his or her safety. Similarly, a child may be isolated from other children in the institution if he or she poses a risk to himself or herself or to other persons or if isolation is specifically justified for the care of the child. An isolation order must be reviewed every 24 hours. While in isolation, the child must receive care from the staff. An isolation order may not be renewed immediately without specific reasons mentioned in the Child Welfare Decree; even where such reasons exist, the period of isolation may not exceed 48 hours (Child Welfare Act, art. 32; Child Welfare Act, arts. 10 to 12).

553. There are 10 reformatory schools run by the State. They are mainly intended for young people with severe symptoms who need special attention. In 1991, these institutions housed a total of 278 young persons, of whom 52 were placed in isolation for a period not exceeding 24 hours, some more than once (83 isolation orders). Objects were removed from 39 students in 58 instances. Similar institutions are run by the social welfare boards of the largest municipalities.

554. In recent years in taking decision on cases appealed to them, both the Parliamentary Ombudsman and the Chancellor of Justice have drawn attention to the human rights of children in institutions. In 1992, the Parliamentary Ombudsman inspected reformatory schools and commented on restrictions of children's basic and human rights.

555. The Mental Health Act provides for involuntary psychiatric treatment on three conditions which need to be fulfilled simultaneously: (i) the person concerned has been diagnosed as suffering from a mental illness; (ii) the person is in need of treatment to the extent that, if left untreated, his or her state would grow essentially worse or would seriously risk his or her health and safety or those of other people; and (iii) no other mental health services are suitable or sufficient. In addition, a person below the age of majority may be admitted for involuntary psychiatric treatment even where he or she has not been diagnosed as having a mental illness, provided that because of a serious mental disturbance he or she is in need of treatment and the criteria set out in points (ii) and (iii) are fulfilled (art. 8).

556. The law requires that involuntary psychiatric treatment of those under the age of 18 be given in a unit with facilities to treat them. According to the Mental Health Decree such a unit refers to a psychiatric unit for children and young people in a hospital. Minors must be treated separately from adults, unless it is considered that a different approach is in his or her best interests. This means that the Finnish legislation is in compliance with article 37 (c).

557. In practice, there is in many places a considerable shortage of places for the psychiatric treatment of children and young people. As a result, children and young people occasionally have to be treated in adult wards, which is in violation of the rules. The situation has been brought to the attention of district medical authorities, and further developments will be monitored actively. Involuntary psychiatric care of children is subject to a separate follow-up study, which shows that in 1992 some half the children who were involuntarily placed in custodial care were treated in units for adults. In 1992 the total figure for children and young people receiving involuntary treatment was 94.

558. Before a decision on involuntary treatment can be made any person under 18 and, as far as possible, his or her parents, custodians and persons charged with the person's care and upbringing must be heard. The decision is made by the doctor responsible for the person's psychiatric treatment, and it must be communicated to the person without delay. The decision must be submitted to the provincial court for confirmation, and the child, if over 12 years old, the custodian and the person looking after the child can appeal the decision to the Court.

559. The National Research and Development Centre for Welfare and Health is carrying out a study on decisions for involuntary treatment made under the Child Welfare Act and the Mental Health Act in cases where objections were raised by children over 12.

560. The Military Discipline Act defines the disciplinary punishments, which include arrest and confinement to barracks. They are applicable to all conscripts, including persons under 18, who have volunteered to perform military service before receiving call-up orders.

561. As a disciplinary measure, a conscript can be placed under arrest for 1 to 8 days, ordered to pay a fine for 1 to 30 days, and confined to barracks for 11 to 15 days. Arrest means confinement in the guardhouse or being guarded in any other manner. The law permits arrest only in cases where more lenient punishment cannot be considered sufficient for the maintenance of discipline, order or security for the troops. A person under 18 may be placed under arrest only if it is obvious that otherwise he will not submit to military discipline. A disciplinary punishment ordered in a case relating to discipline may be appealed to a public court.

562. The carrying into effect of a punishment by confinement to barracks is regulated by the Military Discipline Decree. Confinement to barracks means that the person may not leave the barracks, the military zone or any comparable area without the permission of the officer charged with the

implementation of the punishment. The area of confinement is defined by the commander of the military unit (Military Discipline Act 331/83 and Military Court Proceedings Act 326/83).

563. Finland has banned torture and capital punishment as well as shameful and corporal punishment. Life imprisonment cannot be imposed for offences committed by persons below the age of 18.

564. Article 37 (a) becomes applicable in cases where an alien is to be expelled by coercive means. No child or adult may be returned or expelled to an area where he or she may become a victim of inhuman treatment or persecution or to another area where he or she might be sent to such an area. Decisions on return and expulsion are made by the Ministry of the Interior, and they are appealable to the Supreme Administrative Court (Aliens Act, arts. 30, 38 and 41).

C. **Children in situations of exploitation, including physical and psychological recovery and social reintegration** (art. 39)

1. **Economic exploitation, including child labour** (art. 32)

565. At the beginning of 1994, a new act relating to young employees entered into force. It applies to employees below 18 years of age, referred to in the act as "young employees". The new act extends somewhat the right of children of school age to work during the school terms. Earlier, schoolchildren in fact worked during the terms illegally. The purpose of the new rules is to set reasonable limits to work. The new act takes into account the limitations imposed on the employment of minors by the European Social Charter.

566. The laws applicable to persons below 18 working outside the home in an employment relationship are, with certain exceptions, the Young Employees Act and the Protection of Young Employees Decree, which regulate the hours of work, timing of working hours, overtime, and rest. They restrict the employment of young people for hazardous work and night work. Also, some special sectors apply to minors provisions specific to them.

567. In cases where a child works with or for family members living in the same household with him or her, only the provisions on safety and health are applicable. The same is true in agriculture and forestry. Domestic work and ship work are subject to special provisions. Another type of work excluded from the scope of application of the above laws is work performed by a child or a young person in the home or under circumstances which the employer is unable to control.

568. Earlier, in chapter III, "Definition of the child", a number of minimum ages for admission to employment were discussed. The main rule is that those admissible to employment must be 15 years old and must have completed compulsory schooling. As a rule, children below 14 may not work at all, and children who are of school age and below the age of 15 have a limited right to work.

569. A young person who will be 14 by the end of the year may be employed for light work, provided that the work does not prejudice the person's health or

development and interfere with his or her school education. Labour protection authorities may allow, on conditions approved by them, a child of 13 or below to work as a performer or assistant in cultural or similar events.

570. The working hours of children below 15 may not exceed 7 hours a day and 35 hours a week. They must be between 8 a.m. and 8 p.m. or exceptionally, for weighty reasons, between 6 a.m. and 10 p.m. Children below 15 must be allowed a minimum of 38 hours for uninterrupted weekly rest and a minimum of 14 hours of uninterrupted daily rest. During the school term, working hours may not exceed 12 hours a week, and they may not exceed two thirds of the vacation. Combined, the school hours and working hours may not exceed 8 hours. The maximum length of the working day is 7 hours.

571. As a rule, the working hours of young people between 15 and 17 must be between 6 a.m. and 10 p.m. and the young employees must be allowed a minimum of 12 hours of uninterrupted rest every day.

572. Children below 15 may not be made to work overtime, and overtime by those between 15 and 17 is subject to restrictions. If in an emergency overtime is necessary, a reasonable extension of the regular working hours of children over 15 is permissible, provided that the procedure set forth in the law is followed.

573. The provisions applicable to working hours in domestic work differ somewhat from those applied in other fields.

574. No later than a month from the start of the employment, a young person must be given a medical examination at the employer's expense. The purpose of the examination is to ensure that the work does not harm the young person's health or development. No examination is required for young people performing light commercial or office work, for those employed for no more than three months, and for those who produce a medical certificate dating back no more than a month and indicating that the person is suitable for the work.

575. Children and young people may not perform work which is detrimental to their physical and psychological development. Similarly, they may not be employed for work which requires making greater effort or assuming more responsibility than is reasonable to expect of persons of their age and strength.

576. Children under 16 may not be employed to carry out hazardous work. "Hazardous" refers to work which causes special danger to the young person or his or her health or, as a result of the person's work, to the health of another person. The Ministry of Labour confirms a list of examples of hazardous work. If such work is given to young people of 16 or 17, care must be taken to make them familiar with the work and the related precautions and instructions. They must be given guidance and be supervised in the course of their work performance. The work conditions and materials and equipment intended for their use must be such as not to endanger their health, taking into consideration their personal qualities.

577. The provisions on the employment of children and young people for hazardous work are applied to work practice and experimentation in schools and

other educational institutions. However, pupils in the comprehensive school who are below 16 may perform "hazardous" work on the same conditions as may any children from the age of 16.

578. A fine may be imposed on an employer who violates the provisions of the Young Employees Act and the Decree issued in virtue of the Act.

2. Drug abuse (art. 33)

579. In Finland, it is the use of alcohol and tobacco, rather than the abuse of drugs mentioned in international treaties, that are a much more serious hazard to the health of young people. A rising trend is visible in the use of intoxicants by children and young people since the mid-1980s. In particular, the consumption of alcohol in general, and in order to become intoxicated in particular, has increased; the figures indicating the latter habit doubled by 1993. The following tables show the regular consumption of alcohol by boys and girls in 1993.

Alcohol consumed at least once a week, 1993

Age	Girls	Boys
14	6%	7%
16	10%	18%
18	26%	33%

Intoxication at least once a month, 1993

14	11%	9%
16	17%	29%
18	24%	40%

580. Children and young people have access to drugs more frequently than was the case in the mid-1980s. In larger cities in particular experimenting with drugs starts at an earlier age. The following table shows the percentage of boys and girls by age group who have experimented with a drug (pills, sniffing of glue, cannabis, hard drugs) at least once in their life.

Experimenting with drugs in Helsinki, 1992

Age	Girls	Boys
13	4.8%	3.6%
15	13.7%	7.7%
17-18	20.3%	26.2%

581. Authorities have expressed their serious concern for the increasing use of intoxicants by children and young people. The Ministry of Social Affairs and Health has produced a memorandum seeking ways to prevent and curtail such use. The starting point in the memorandum is to bring new ideas into the thinking underlying preventive work. The use of intoxicants by children and young people cannot be reduced through efforts to influence the users alone but it is equally important to influence their living environment.

582. Every year, the Council of State is required to submit a report to parliament, detailing the current trends in the use of intoxicants as well as the measures taken in the various sectors of administration to prevent and diminish the harmful effects of the use of intoxicants. Child welfare is a central focal point in that report.

583. In 1993, the Ministry of Social Affairs and Health implemented a wide-ranging training programme targeted at municipal employees and active members of NGOs engaged in preventive work. The purpose of the programme was to gauge how widespread the use of intoxicants is and to find new and effective local working methods.

584. Also in 1993, parliament amended the provisions in the Penal Code on narcotic crime (Act relating to the amendment of the Penal Code, 1304/93). These provisions are now incorporated in a new chapter 50. The law continues to stipulate that it is a punishable act to use, purchase and possess drugs (Penal Code, chap. 50, art. 1). The amendment makes it possible not to prosecute or punish in cases where the offender proves his or her commitment to treatment approved by the Ministry of Social Affairs and Health and in cases where the act was not, under the circumstances, likely to undermine obedience to law.

585. Since 1976, municipalities have been required by the Act on the Treatment of Inebriates to provide the necessary services to the inhabitants having problems with intoxicants. Such services must be available both through the general social and health-care system and in the framework of specific treatment services. The services must cover young people using drugs and other intoxicants as well as their families and people close to them. The degree of damage and harm resulting from the use of intoxicants depends on the level of consumption. Consequently, policies regulating the availability of intoxicants, such as alcohol policy, play a central role in the prevention of detrimental effects.

586. The abuse of intoxicants may cover a number of other problems the child or young person may have. It is therefore important to take a comprehensive approach in treating and caring for the person. The Child Welfare Act provides for the abuse of alcohol as one of the reasons for taking a child or a young person into care. He or she may be placed in a family or an institution which helps the person to stop the abuse.

587. Children or young people who are drug addicts continue to be a relatively small group in Finland, whereas the mixed use of substances (alcohol, medicines, solvents, drugs) has increased alarmingly in the past few years. Early detection of problems is crucial to prevention. Therefore, the school health-care system and student welfare teams as well as outreach are in a key position. While cases which are particularly difficult may require involuntary treatment, a great deal can be achieved through individual and family-oriented measures, provided that cooperation between the various authorities can be ensured.

588. Currently children who are intoxicant abusers are treated in the framework of child welfare. Young people can obtain help not only from the primary health-care and social welfare services but also from child welfare

and youth clinics, units specializing in youth work and a variety of units for intoxicant abusers, such as short-term treatment facilities for young drug abusers (7) and clinics (in about 100 municipalities). In addition, two or three units specialize in the detoxification and rehabilitation of young intoxicant abusers. Special services available for schools, other educational and youth work as well as primary health-care and social welfare services include training, consultation and counselling relating to the intoxicant abuse by children and young people.

3. **Sexual exploitation and sexual abuse** (art. 34)

589. Public debate on the sexual abuse of children began in Finland in the late 1980s. This was in particular the combined result of programmes shown on Finnish TV about the problem elsewhere and of cases encountered by the lawyer of the Mannerheim League for Child Welfare at the outset of her work in the 1980s. Public debate considerably increased reports of the problem. Finnish authorities had been able to prepare for discussion of the problem, because it had been on the agenda of international conferences since the early 1980s.

590. In 1986 the National Board of Social Affairs and the National Board of Health published a handbook on the prevention and treatment of the sexual exploitation of children ("Lapsen seksuaalisen riiston ehkäisy ja hoito"), which was circulated to all places where social welfare and health-care facilities were provided. Since that time, a number of professional groups have received supplementary training on a small scale in various parts of the country. Also, some programmes of basic training in social welfare and health care now deal with sexual abuse of children.

591. In 1985 the extent of sexual abuse was the subject of study for the first time in Finland. This study covered the cases reported to social welfare and health-care authorities in 1983 and 1984. At that stage - before the debate had involved the general public - 123 definite cases and 222 indefinite cases had been reported to the authorities.

592. A second survey addressed to authorities was conducted on the situation in 1990 and 1991. The number of alleged cases was three times the previous figure, amounting to 1,000 cases. In only 30 per cent could the conclusion be reached that sexual abuse had definitely occurred.

593. In 1989, 7,300 school children were surveyed for their experiences of sex and violence. The sample represented the entire child population on the ninth grade in the country. (Heikki Sariola: "Lasten väkivalta - ja seksuaalikokemukset". The survey was a cooperation between the Central Union of Child Welfare, National Board of Social Affairs, National Board of Health, and National Board of Education.) The survey is extensive even by international standards and a special effort was made to collect representative and reliable data.

594. In the survey, 18 per cent of the girls and 7 per cent of the boys had some form of sexual experience with a person five years older or more than they. However, most cases involved ordinary relations between young people. As regards actual sexual abuse, 7 per cent of the girls had experienced it;

in 0.7 per cent of the cases the abuser was the father, and in 3 per cent the stepfather. Of the boys, 3 per cent had been victims of sexual abuse.

595. The number of cases of sexual abuse and of disputes arising from the investigation of the cases is less than the international average. However, problems typical of this issue are in evidence: (i) tendency to deny or minimize the problem, (ii) tendency to overreact, or to read more into a situation than is warranted by the facts (especially in divorce), (iii) difficulties in cooperation between authorities and (iv) shortcomings in professional skills.

596. In order to solve these and similar problems a group of experts was set up in 1992. The expert group is charged with revising the instructions issued to social welfare and health-care professionals in 1986 and to plan and provide supplementary training in the field. Moreover, in many regions teams have been set up by the various authorities to cooperate in the investigation of cases.

597. The chapter of the Penal Code on sexual offences, including provisions on sexual abuse of children, is undergoing reform. The committee charged with the task has already submitted a proposal with a view to revising the rules on bringing charges, characteristics of the criminal acts, and minimum ages.

598. Recently, some cases have surfaced of the abuse of more than one child. They have led to closer cooperation between the authorities; they have also revealed gaps in the legislation relating to the legal safeguards and the right to privacy of children. As a result, proposals for legislative changes have been made, but these measures have not yet taken the form of changes in the law.

599. One of the problems revealed is that documents on pre-trial investigation always become public, unless charges are brought following the criminal investigation. In the investigation of the sexual abuse of children, a lot of sensitive material is collected which at the end of the investigation becomes accessible to the public. A procedure should be made statutory whereby the court could declare these pre-trial investigation documents confidential.

600. Organized exploitation of children and young people did not become an issue in Finland until quite recently, with the intense public debate around the spreading and marketing of pornography and prostitution. Earlier, when these problems were not the subject of public debate or on the agenda of authorities, child prostitution and child pornography were not topics to be discussed in any context. The first public debate of any wider extent took place in the autumn of 1993; part of this debate was a seminar on child prostitution organized by authorities and a number of NGOs.

601. The working group charged with the preparation of the present report by the Finnish Government made efforts of its own to give new impulses to the debate on marketing techniques to manipulate children's attitudes to pornography and prostitution. In the autumn of 1993, the working group used as a case in point a television programme produced by a public service television company and submitted a complaint about it to the Finnish Broadcasting Company, because it believed that the programme gave cause for

concern. The Programme Committee of the Company dismissed the complaint, despite the support of the Company's Equality Board. The question that remains open is: How can the national broadcasting company actively contribute to the promotion of children's rights?

602. In February 1994, the Government of Finland submitted an opinion to the United Nations Secretary-General on the contemporary forms of slavery. The Government held that it was important to address the issues of different forms of sexual exploitation, including the abuse of women and children in the sex trade, as a matter of urgency both at the national level and at the international level. Similarly, in February 1994, a working group was designated to examine the need for changing the domestic law.

603. As part of the comprehensive reform of the Penal Code, the proposal has been put forth to make the systematic trade in, import and production of child pornography punishable by law. This proposal is based on article 34 of the Convention (Law Drafting Department of the Ministry of Justice, Publication 6/1922).

4. Sale, trafficking and abduction (art. 35)

604. The sale of, traffic in or abduction of children is not a major problem in Finland. Abductions are rare, and mainly occur in divorce situations where the parents have disagreements over the custody and the place of residence of the child, and over the right of access to the child.

605. Adoption is subject to strict legal provisions and controls. The precise legal foundation serves to prevent abduction and traffic, as does the international Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, which was prepared with the active participation of Finland and signed at The Hague in July 1993 (see chap. VI.G above).

D. Children belonging to a minority or an indigenous group (art. 30)

606. There are four larger minority groups in Finland, the largest of which is linguistic, that of Swedish-speakers. Without doubt, the rights of this group enjoy the greatest degree of protection; according to the Finnish Constitution, the Swedish language is the second official language in Finland. There are some 300,000 Swedish-speakers, which accounts for 6 per cent of the total population. In addition, there are about 6,000 Saami people, the indigenous people of Finland, and some 6,000 Romany people. The fourth major language group is Russian-speakers. The right of the Saami people to their own language is protected by the Saami Language Act. Some of the other minorities with Finnish citizenship are the Jewish people, who number 1,200, and the fewer than 1,000 Tatar.

607. There are some 52,000 people in Finland whose citizenship is other than Finnish. The largest group, 17,000 people, are those who have emigrated from the former Soviet Union and Russia. The number of refugees has grown rapidly in recent years: in 1993, there were some 8,000 refugees and some 1,700 asylum-seekers in Finland.

Children with Swedish mother tongue

608. Article 14 of the Finnish Constitution Act states that the national languages are Finnish and Swedish. This provision guarantees citizens the right to use their mother tongue, either Finnish or Swedish, in administration and in the courts. The provision also requires that the cultural and economic needs of both language groups be fulfilled in accordance with the same criteria. This means that the Finnish and Swedish languages are of equal value. The laws and decrees, as well as the documents of parliament and the Government, are always in both national languages. In the formation of administrative areas, an effort must be made to create areas which are bilingual, if possible.

609. The Constitution contains general provisions on the status of the Swedish language, and is supplemented by the Language Act, which has more specific provisions on the application of bilinguality. In addition, special provisions on the languages are included in secondary provisions and some special legislation, including laws on education and day care.

610. To implement the provision on bilinguality, some posts in the civil service require perfect command of the two languages, while for other offices an ability to understand and use both languages orally and in writing is sufficient. The Language Act guarantees the right to use one's own language on the basis of geographic area: the rights of the people living in a particular area to use their language before the authorities depends on the linguistic status of the municipality. The municipalities are divided into three categories - Finnish-speaking, Swedish-speaking, and bilingual - depending on the mother tongue of the majority of the inhabitants in each municipality. The linguistic status of the municipalities is confirmed by the Council of State every 10 years.

611. In certain sectors, the Swedish-speaking population is served by administrative or functional units of their own. Of importance to children are the school administration the activities of the Lutheran Church, and radio and television.

612. The Comprehensive School Act provides that in a municipality with both Swedish-speaking schoolchildren and Finnish-speaking children a separate school district must be established for both language groups for the purpose of primary education, provided that there is a minimum of 13 pupils speaking the minority language. A school district can also be shared with a number of municipalities. If the school district is unable to provide comprehensive school education in a child's own language, he or she has the right to be admitted to a school in a different district. In such cases, the municipality pays for the schooling and school transportation.

613. In 1991, the 350 Swedish-speaking comprehensive schools had approximately 32,700 pupils; Swedish-speaking upper secondary schools were attended by 5,500 pupils. Education in the Swedish language is also provided in vocational and professional institutions, universities, folk high schools, and civic institutes and workers' institutes. The National Board of Education has a separate line of administration for education in Swedish, and bilingual provinces have different units for education in Swedish and in Finnish.

614. The Evangelical Lutheran Church has a long tradition of serving the population in the two languages, and since 1923, the Swedish-speaking parishes have been organized under a diocese of their own. In 1994, a new Church Act entered into force, which requires the parishes to apply the same criteria with respect to the use of languages as do the municipalities. However, the law says that each member of a parish has the right to the rites of the religion in his or her own language whether or not the parish is classified as bilingual.

615. The Social Welfare Act prescribes that every client must be served in his or her own language, and that language must be taken into consideration when providing the services. The Day Care Act requires municipalities to ensure that children receive day-care services in their own language, whether that is Finnish, Swedish or Saami (see chap. VII.D above).

616. The rights of the Swedish-speaking population are monitored by the Swedish Assembly of Finland (Svenska Finlands folkting) which is representational both by political party and geographical area. It has 75 members, who are elected for a four-year term at the time of local elections. The members convene every two years in a plenary session. The costs of the Assembly are shared by the State on one hand and by municipalities and associations on the other.

617. A number of Swedish-speaking organizations operate as guardians of the interests of their minority. The largest Swedish-speaking organization in the social welfare and health sector is Folkhälsan, which offers a wide range of services to all age groups. In the coastal areas, it has the further functions of transmitting cultural heritage from generation to generation and of uniting the Swedish-speaking population under its structures. However, its most important task is on the national level: to make proposals and lobby in questions of health which are of importance to the Swedish-speakers. The organization works to ensure that small minorities with little say, such as Swedish-speaking children with disabilities, have, in their own language, access to the therapies and treatments to which they are legally entitled. Folkhälsan also provides medical services to Swedish-speaking young people.

618. The obligation to serve the needs of both language groups in accordance with the same criteria also applies to radio and television programming. The Finnish Broadcasting Company has a separate unit for programmes in Swedish. Radio has a national channel and a regional channel for Swedish. The two national TV networks have programming time for the productions of the Swedish-speaking TV unit. Broadcasts in Swedish account for about 13 per cent of the total programming time of those channels. Some parts of the country receive broadcasts by the Swedish TV.

619. There are 12 Swedish-speaking dailies in Finland, and, in 1993, as many as 230 periodicals appeared, including 25 for children and young people. Four permanent theatres operate in Swedish. The Swedish-speaking Unga teatern (The Young Theatre) tours the country and performs in schools, and there are active amateur theatre groups.

Romani children

620. Some 6,000 people who belong to the Romani population live scattered around the country. Also, 3,000 Finnish Roma live in Sweden. Accurate statistical data on children are lacking, because Finland does not compile statistics on people by ethnic origin. The Roma are Finnish citizens, and Romani children have all the rights and obligations attached to citizenship, including the right to day care, education, social welfare and health care.

621. The Advisory Board on Romani Affairs operating in connection with the Ministry of Social Welfare and Health monitors the development of the living conditions of the Romani people and makes proposals for their improvement. The Advisory Board has 18 members, half of whom represent the Roma and half who are State representatives, plus a representative of the central organization of municipalities. The Advisory Board has been successful in improving cooperation between the Romani people and the authorities and in bettering the housing conditions for Roma. Moreover, its activities have led some schools to provide pupils an opportunity to study the Romani language.

622. There has been a marked improvement in the educational level of Romani children, but it is still quite common for Romani children to leave school before completing comprehensive school. Of those who receive a comprehensive school diploma, very few pursue further studies. This is the combined result of a weak tradition of schooling among the Romani population and of a lack of regard in the school for the cultural background of Romani children.

623. A doctoral thesis published in 1990 (Klaus Toivonen: "Pohjois-Suomen koululaisten rotuennakkoluulot", "Racial prejudice among schoolchildren in northern Finland") showed that Romani children face a difficult situation in school. The negative attitudes of classmates may well amount to racism, and the schools are not fully aware of the problem. To improve the situation, information about the Romani population, their language and their culture should be contained in the textbooks used in schools and in the curricula of teacher training institutions.

624. In some areas in the past few years, language and cultural studies for Romani children have been introduced. The teachers are members of the Romani population, a fact which seems to increase their students' motivation. Instruction is given two hours a week, usually after the regular school day. A development unit for the education of the Romani people and for the Romani culture began to operate in 1992. The National Board of Education is responsible for training teachers in the mother tongues of children who speak a foreign language or a minority language. Ten Romanies are in training. The development of education services is hampered by a shortage of teachers and study materials.

625. Romani children who have been taken into care are placed in orphanages run by Mustalaislähetys, a Romani organization, and in other orphanages and in family care. The orphanages provided by Mustalaislähetys now receive both Romani and non-Romani children, and their staff is composed likewise. While in substitute care, Romani children should maintain contact with persons of their own culture. This goal is not likely to be achieved, if a child is placed in a non-Romani orphanage or a non-Romani family.

626. Religious Romani organizations provide organized free-time activities, such as camps, to young Romas.

Saami children

627. The Saami population are the indigenous people of Finland. Of the 6,000 Saami, two thirds live in the Saami home area, which is composed of the four northernmost municipalities in Finland. There is a Saami parliament, subordinated to the Ministry of the Interior, to participate in the preparation and discussion of questions relevant to the Saami people. The Saami have the right to use their own language in certain cases when dealing with authorities, and the right to education and day care in their own language (Act relating to the use of the Saami language before authorities (516/91) and the Day Care Act).

628. The Saami do not receive social welfare and health-care services on ethnic grounds. Attempts are, however, made to take their language and culture into account. It is only in day care where the goal has been to have a separate system, but more efforts are still needed. It is hoped that more services can be provided to the Saami people in their own language, but so far a shortage of trained Saami-speaking personnel has been in the way of fully reaching that particular goal.

629. In 1992, the fifth Saami conference convened in Helsinki. It adopted a programme for the rights of the Saami people, which emphasizes the importance of strengthening and promoting the linguistic and cultural rights of Saami children below school age. The National Research and Development Centre for Social Welfare and Health has produced a booklet called "Puhu omaa kieltäsi" ("Speak your own language"). The booklet is intended for the parents of children who use child health clinics, the parents of Saami children, and the parents of Finnish children in the Saami area.

630. Every year, some 600 children attend classes in the Saami language. Since 1991, upper secondary schools have offered the option of studying Saami as a mother tongue, which means that Saami is taught as a second language. In the spring of 1994, the first students took a matriculation examination in Saami as a mother tongue.

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11. Unemployment in households by stage of life cycle, 1991 and 1992

12. Housing loans by stage of household life cycle, 1991 and 1992

13. Households with loan and experience of unemployment, per cent of all households with experience of unemployment, and median amount of loan per stage of household life cycle, 1991 and 1992

14. Households and persons in receipt of living allowances, 1985-1992

Social welfare statistics

15. Child welfare children and young people, 1971-1992

16. Children taken into care, 1975-1992

17. Assistance in open care, 1987

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* Available for consultation in the files of the Secretariat.

Family policy

18. Support for families with children, 1980-1992 at 1992 prices

19. Child allowance in real terms, 1980-1993 at 1992 prices

20. Periods of parents' benefits, 1964-1994, days

21. Maternity benefit, nominal value and real value, 1980-1994

22. Home care allowance for children in real terms, 1985-1994 at 1992 prices

23. Public day care, 1970-1992

24. Maintenance support, 1980-1992

25. Tax deductions for families, 1984-1993

26. Housing allowance for families with children, 1980-1992

27. Child care allowance and disability allowance, 1980-1992

Health

28. Mortality in infant perinatal periods

29. Mortality rates by age and sex 1992 and cause of death

30. Incidence of certain congenital malformations (per 10,000 live births) 1970-1990

31. Health of children under 15 (as reported by custodian) by age and sex, 1987 and 1993

32. Recipients of care for the mentally handicapped by cause of handicap and age 1986 (5)

33. Smoking habits by age and sex, 1993 (%)

34. Abstention and frequent use of alcohol by age and sex, 1977-1993 (%)

Labour force participation: juvenile offenders

35. Labour force participation by age and sex, 1992

36. Number of marriages, births and abortions by young people, 1991

37. Juvenile offenders, 1991

38. Children apprehended, arrested and imprisoned by age, 1992

39. Victims of crime recorded by police, children by age and sex, 1980 and 1988 (by 10,000 persons)

Education

40. Participation in pre-school programmes, children under 6, 1980-1992

41. Students in the school system, 1980-1992

42. Students in Finland by age and type of school, 1990, (%)

Leisure and culture

43. Participation in sports and exercise, 1991, (%)

44. Cultural activities by children, 1991, % of age groups

45. Children and the mass media. Indicators from various years.

46. Participation in activities of organizations, 1991 (% of age groups)
